

Idaho Transportation Department



Access Management

Standards and Procedures for Highway Right-of-Way Encroachments



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I. Introduction

1.1 Purpose

This document provides standards and procedures necessary to regulate and control access to and encroachments within State highway rights-of-way. This document also defines the classification of access control and identifies the requirements, standards, and procedures for encroachment permits on State highway rights-of-way.

Access Management is required to protect public health, safety, and welfare; to maintain smooth traffic flow while providing access to destinations; to maintain and protect the integrity of the design and construction of the State Highway System; and to maintain and protect the functionality of the State Highway System while balancing transportation needs and the interests of adjoining land development.

The mobility and safety of highways are directly related to the number of roadside obstacles presented to the motorist. The lack of adequate access control through unregulated highway encroachments such as landscaping, irrigation, memorials, signs, mailboxes, and utilities, and the proliferation of private approaches and other direct access points to the State Highway System, are major contributors to highway collisions and the functional deterioration of highways. As new access points are constructed, traffic signals erected, and improvements added within the roadway prism, congestion and obstacles increase, along with an associated increase in number of conflict points and a decreased level of safety. The operational efficiency of the highway is affected by a decrease in motorist speed and highway capacity.

The application of an access management policy enhances the development of a safe and efficient transportation system by providing a balance between transportation services and access to the State Highway System. Managing access extends the life of the highway and preserves the traffic carrying capacity and promotes safety on the State Highway System. It has the ability to minimize congestion and collisions, the travel time for the delivery of goods and services, adverse impacts on the environment, and can promote sustainable community development.

Access management includes:

- limiting the number of conflict points;
- regulating the spacing and design of approaches, turnouts, and intersections, medians and median openings, and traffic signals and interchanges;
- regulating the encroachment within State highway rights-of-way for signs, memorials, and decorations, urban improvements, landscaping, farming, and irrigation, and turnouts and parking facilities; and

- regulating the encroachment within State highway rights-of-way for utility installations, adjustments, relocations, removals, and maintenance.

1.2 Authority

[RULE NO. 39.03.42](#) of the IDAHO TRANSPORTATION DEPARTMENT establishes the following:

- Idaho Code Sections [40-310\(9\)](#), [40-311\(1\)](#), [40-313\(2\)](#), [40-321](#), [40-2319](#), [49-202\(19\)](#), [\(23\)](#) and [\(28\)](#), and [49-221](#) give the Idaho Transportation Board authority to control encroachments within State Highway System rights-of-way.

[RULE NO. 39.03.43](#) of the IDAHO TRANSPORTATION DEPARTMENT establishes the following:

- Idaho Code Sections [40-312\(3\)](#) and [67-5203](#) give the Idaho Transportation Board authority to regulate utilities within State Highway System rights-of-way.

In addition, [23CFR620.201](#), [23CFR771.117](#) and [23U.S.C.111](#) give the Federal Highway Administration (FHWA) a key role in managing access on federal-aid roadway systems.

1.3 Who Needs a Permit to Encroach Within State Highway Rights-of-Way?

Any individual, business, or other entity planning to add, modify, relocate, maintain or remove an encroachment on the State highway, or encroach within State highway rights-of-way for any purpose other than normal travel, must obtain a permit to encroach within the State highway right-of-way unless such encroachment has been established under a cooperative agreement. Permits are required for private and public approaches (driveways and streets), utilities, and other miscellaneous encroachments.

No activities other than normal travel shall be allowed on State highway rights-of-way until an approved permit has been issued by the Department. Normal maintenance activities of short duration performed by the property owner or their authorized representative do not require a permit and shall be limited to areas located beyond an approach radius or behind the face of curb and completed in less than one (1) hour. Encroachment violations which have been reported to the District office shall be selected for corrective action (see section 3.18, Unauthorized & Non-Standard Encroachments).

In an emergency, the District Engineer, in advance of processing the permit application, may grant a temporary permit to encroach within State highway rights-of-way. For more information about the State highway right-of-way encroachment permit process see section III, Permit Process.

SPECIAL NOTE: The Idaho Transportation Department cannot approve encroachments upon railroad rights-of-way. Applicants must contact the appropriate railroad.

1.3.1 Approach & Utility Encroachment Permits

An approved State highway right-of-way encroachment permit is required for all private and public approaches to the State Highway System.

All utility encroachments, including new utility installations, and the relocation, maintenance, modification, or removal of existing utility facilities shall require a current approved State highway right-of-way encroachment permit. For general maintenance and emergency repair permits, see section 3.11, [Utility Encroachments](#). See Section 5.1 [Utilities](#) for links to all Department documents in regard to the placement of Utilities within the State Highway right of way. A set of “as-built” plans for all conduit or utility crossings and structure attachments shall be submitted to the Department and the local utility locating service with all details of construction within **thirty (30) days** of the work completion. All “as-built” plans are required to be stamped by an Engineer licensed in the State of Idaho.

1.3.1.1 Recreational Trail Crossing Permits

Recreational Trails are addressed in the [ITD Traffic Manual, Section 170.02 All-Terrain Vehicles \(ATVs\), Utility Type Vehicles \(UTVs\), and Off-road Motorcycle Crossings on the State Highway System](#). [Section 49-426 \(4\)](#), Idaho Code, assigns authority to the Idaho Transportation Board to designate crossing locations for All-Terrain Vehicles (ATVs), Utility Type Vehicles (UTVs), and Off-road Motorcycle vehicles. The decision authority has been assigned to the Director by [Board Policy B-12-21](#). [Administrative Policy A-12-21](#) instructs the Chief Engineer to establish and implement standards and procedures to manage the approval and tracking of these crossings on the State Highway system. Traffic safety regarding the crossing points is a priority.

ATVs, UTVs, and off-road motorcycles that cross the State highway must comply with the requirements of [Title 49, Idaho Code](#), pertaining to the rules of the road, signs and signals, vehicle insurance, accidents and traffic enforcement. The crossing locations may be existing local roadways or new crossing locations that connect existing recreational trails. Crossing the State Highway must be done directly in a transverse manner (or nearly transverse manner in the case of a skewed crossing) without traveling longitudinally within the State highway right-of-way. Longitudinal travel within the highway right-of-way is prohibited.

Crossing points shall be shown on an encroachment permit ([ITD-2109](#)) between the Department and those persons or public entity(ies) having ownership of or jurisdiction over the land abutting the State Highway System where the designation of the Recreational Trail Crossing is to be located. If a recreational trail crossing is to be designated which crosses onto private land the permit will require a recorded cross access agreement between all affected property owners which provides permanent access for the recreational trail. A change or revocation of the cross access agreement will be cause for the Department to deny continued approval of the recreational trail crossing and the removal of any associated signage within the highway right of way.

1.3.2 Miscellaneous Encroachment Permits

Miscellaneous encroachments within the State highway rights-of-way, other than approaches and utilities, require approved encroachment permits and include, but are not limited to new, additional, removal, maintenance, or change in design or use of:

- Temporary signs, banners, and decorations for local seasonal events;
- Memorials;
- Benches, planters, and other structures in urban areas;
- Overhanging displays, canopies, and marquees;
- Landscaping and fences;
- Irrigation and drainage facilities;
- Agricultural practices;
- Mailboxes, mailbox stands, and mailbox turnouts;
- Recreational activities parking facilities;
- Park and ride lots; and
- School bus turnouts.

For more information about the miscellaneous encroachment permit process, refer to section 3.12, Applications for Other Encroachments.

1.3.3 Special Events on State Highways

A special event is an activity conducted on, or adjacent to, the State Highway System where:

- The participants intend to proceed or conduct themselves on the State highway without complying with the direction of traffic control devices or the rules of the road, as set out in Idaho Code; or
- Special traffic control may be required, such as flaggers, escort vehicles, special signing, or peace officer supervision, and control for the safe movement of highway traffic; or
- The closing of a portion of the traveled way to the general public may be required; or
- The potential exists to interfere with the normal movement of traffic on the State highway or create a hazard within the State highway right-of-way to the participants, traveling public, or the public in general; or

- An activity which occurs outside the traveled way, but occurs within the State highway right-of-way, involves the encroachment within State highway facilities for non-transportation related purposes, and has the potential to slow, disrupt, or interfere with the normal flow of traffic on the State highway.

Special events shall not be permitted unless an approved special event agreement is granted by the Idaho Transportation Department.

The special event permitting process is covered under ITD [Administrative Policy A-12-02](#), “[Special Events on State Highways](#)”. Contact an ITD District office to apply for an agreement application.

1.3.4 Safety Rest Area Activities

Activities in safety rest areas on State highway rights-of-way that may be permitted are covered under [IDAPA 39.03.50](#), “[Safety Rest Areas](#)”, ITD [Administrative Policy A-05-14](#), “[Safety Rest Areas](#)”, and [A-05-27](#), “[Volunteer Activities](#)”. Contact an ITD District office to apply for an agreement application.

1.3.5 Memorials

Memorials that may be permitted within the State highway right-of-way include traffic accident memorials and Blue Star memorials. The permitting process for each of these types of memorials is covered in the ITD Traffic Manual and [IDAPA 39.03.63](#). Contact an ITD District office to apply for this type of permit.

1.3.6 Signing

Special permits are required for all outdoor advertising signs. These signs could include [Tourist Oriented Directional Signs \(TODS\)](#) on primary and secondary State highways, [LOGO signs on Interstate](#) and other fully controlled access highways, or off-premise business directional signs visible from the State Highway System. The permitting process for each of these sign types is covered under separate policies. Information regarding these and other advertising signs is available through the appropriate District office.

Information regarding all other types of State highway signing is addressed in the ITD Traffic Manual. Requests for signing should be directed in writing to the appropriate District Traffic Engineer.

1.4 Prohibited Activities and Encroachments

All right-of-way encroachments on State highways not authorized by the Department are prohibited. Pursuant to [IDAPA 39.03.42](#), [Administrative Policy A-12-02](#), and Idaho Code, any encroachment that endangers the safety of the motoring public shall be immediately removed by the Department. The owner shall be notified as soon as possible of the location of the prohibited encroachment and advised that the item shall be removed (see section 3.18, Unauthorized & Non-Standard Encroachments).

Activities and encroachments that are prohibited within the State highway rights-of-way include, but are not limited to:

- Mobile stores, mobile lunch wagons, or similar businesses that stop vehicles to offer for sale or sell their wares;
- Solicitation or sale of any goods or services, attempts to serve, distribute, petition, or recruit, and all associated stopping and parking of vehicles (except vending privileges in safety rest areas);
- The storage of any substance, equipment, or material;
- The abandonment of vehicles or other large objects;
- Servicing, refueling, and repairing of vehicles, except for emergencies;
- The placement of portable objects or signs (material or copy), displays, or other unapproved highway fixtures, including election posters;
- Permanent, temporary, or mobile structures, manned or unmanned;
- Any obstruction that creates a traffic hazard, including trees, shrubbery, fences, walls, non-standard mailbox stands, or other appurtenances; or
- Signs or displays that resemble, hide, or because of their color, interfere with the effectiveness of traffic signals and other traffic control devices.

See section [3.12, Applications for Other Encroachments](#), regarding miscellaneous encroachments that may be permitted.

1.5 Definitions

Words and phrases used throughout this document are defined as follows (refer to [Figures 1.5.1, Illustration of Definitions Applying to Curb and Gutter Sections](#), and [1.5.2, Illustration of Definitions Applying to Sections Without Curb and Gutter](#)):

AM/PM PEAK HOUR – The one hour period (either in the morning or the evening) with the highest volume of vehicles.

ABANDONED VEHICLE – Any vehicle observed by an authorized officer or reported by a member of the public to have been left within the limits of any highway or upon the property of another without the consent of the property owner for a period of 24 hours or longer. A vehicle shall not be considered abandoned if its owner-operator is unable to remove it from the place where it is located and has notified a law enforcement agency and requested assistance.

ACCELERATION LANE – A speed-change lane, including taper, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge with through traffic.

ACCESS – The ability to enter or leave a public highway or highway right-of-way from an abutting private property or another public highway.

ACTUAL COSTS – As used in this manual, includes wages (loaded rate), equipment costs, travel, subsistence, and other expenses incurred to review plans, and to inspect construction and completion of approaches, utilities, and other encroachments.

A.D.A. – [Americans with Disabilities Act, Title III -Public Accommodations](#)

ADT – Average Daily Traffic. The total volume of traffic during a given time period in whole days greater than one (1) day and less than one (1) year divided by the number of days within that time period.

AGRICULTURAL PRACTICES – Any activity associated with crops, including seed.

APPLICANT – Agency, owner, or an authorized representative of the property or utility facility applying for a permit to encroach within State highway rights-of-way.

APPRAISAL – A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of monetary value for a specific property, for a specific use, as of a specific date, supported by the presentation and analysis of relevant market information.

APPROACH –A connection between the outside edge of the shoulder or curb line and the abutting property at the highway right-of-way line, intended to provide access to and from said highway and the abutting property (see [Figures 1.5.1](#) and [1.5.2](#)). An approach may include a driveway, alley, street, road, or highway.

APPROACH FLARE – The approved radius connecting the edge of the approach to the edge of the highway (see [Figure 1.5.2](#)). The term “approach radius” is interchangeable with “approach flare”.

APPROACH STATION – All approaches, except a rural public approach, are stationed at a point at the back of curb or edge of pavement offset perpendicular to the roadway centerline station. The approach station denotes the center of the approach and is referenced as the roadway centerline station and distance offset to the back of curb or edge of pavement. For a rural public approach, the approach station is at a point where the centerline of the approach, when extended, intersects with the roadway centerline. (See [Figures 1.5.1](#) and [1.5.2](#).)

APPROACH TRANSITION – The area from the edge of an urban approach sloped to match the curb and border area elevations (see [Figure 1.5.1](#)). The term “approach apron” is interchangeable with “approach transition”.

APPROACH SKEW ANGLE – For all approaches, the angle of deflection between a line perpendicular to the highway centerline and the approach centerline (see [Figures 1.5.1](#) and [1.5.2](#)).

APPROACH WIDTH – The distance between the outside edges of the approach measured perpendicular to the approach centerline along the curb line or the edge of pavement, excluding flares, transitions, and radii (see [Figures 1.5.1](#) and [1.5.2](#)).

AASHTO – The American Association of State Highway and Transportation Officials. A national committee established to formulate and recommend highway engineering policies.

AUTHORIZED REPRESENTATIVE – Any applicant, other than the owner, having notarized written verification signed by the owner giving authorization to act on the owner’s behalf.

AUXILIARY LANE – The portion of the roadway adjoining the traveled way used for speed change, turning, storage for turning, weaving, truck climbing, and other purposes supplementary to through-traffic movement.

BACKFILL – Approved material used to replace excavated material.

BACKAGE ROAD – An auxiliary road located outside of the highway right of way, but parallel to and offset from the highway for service to abutting properties and adjacent areas. Unlike a Frontage Road the offset is at a much greater distance to allow businesses to be placed in the space between the highway right of way and the backage road with the back of the businesses facing the highway. This arrangement can also act as a sound barrier.

BOARD – The Idaho Transportation Board, as established by [Title 40, Chapter 3](#), of the Idaho Code.

BORDER AREA – The area between the outside edge of the shoulder or back of curb and the highway right-of-way line (see [Figure 1.5.2](#)).

BORING – Rotary drilling into the earth with the purpose of inserting a conduit or casing in the bore.

BOULEVARD APPROACH – A two-way approach intended for high ADT volumes of large commercial vehicles, having a maximum width of 25.6 meters (84 feet) in which opposing traffic is separated by a raised 1.2 meters (4 foot) wide non-traversable median.

BULKHEAD – A wall or closure used to contain or resist earth, water, or concrete pressure.

CAPACITY – The maximum number of vehicles that can reasonably be expected to travel along a lane of a highway during a given time period under prevailing roadway and traffic conditions (see VOLUME).

CASING – A larger pipe generally under the roadway, through pier(s), or abutment(s) of highway structures that enclose one or more utility conduits or carriers.

CHIEF ENGINEER – The Chief Engineer. The Administrator of the Division of Highways for the Idaho Transportation Department, or a delegated representative.

CLEAR ZONE – An area outside the traveled way, auxiliary lanes, and shoulders that is constructed and maintained as free from physical obstructions as practical, for use as a recovery area by errant vehicles.

COLLISION – Any event that results in an injury or property damage attributed directly or indirectly to the motion of a vehicle or its load.

COLLISION RATE – The frequency of any event at a given location over a specified period of time that results in injury or property damage attributed directly or indirectly to the motion of a vehicle or its load.

COMMERCIAL APPROACH – An approach serving a business or businesses.

COMMUNITY EVENT – An event approved, sponsored and insured by a governmental entity, where the governmental entity participates in the coordination, management and operation of the event. i.e. holiday parades, special events, etc.

CONDUIT – A tube or trough for receiving and protecting electrical wires, fluids, etc.

CONFLICT POINT – An area where intersecting traffic either merges, diverges, or crosses.

CONGESTION – A restriction or interference to the normal free flow of travel. “Congestion” is directly related to VOLUME such that as traffic volumes increase, congestion increases.

CONSTRUCTION – Build new or modify existing facilities, other than maintenance.

CONTROLLED ACCESS HIGHWAY – Any highway or roadway where access to or from abutting properties is restricted by the public authority having the jurisdiction.

CORNER CLEARANCE –The distance along the curb line or outside edge of the shoulder measured from the beginning or end of the intersecting roadway flare to the nearest edge of the adjacent approach, excluding flares or transitions (see [Figures 1.5.1](#) and [1.5.2](#)).

CORRIDOR MANAGEMENT PLAN -- The Corridor Management Plan is the compilation of transportation needs and requirements defined by a process which integrates various elements to produce an endorsed highway design solution. This process identifies transportation services desired by ITD customers, determines competing demands, and integrates the findings into a common vision for the entire transportation system, and supports investment decisions.

DEPARTMENT – The Idaho Transportation Department (ITD).

DIRECTOR – The director of the Idaho Transportation Department, or a delegated representative.

DISTANCE BETWEEN APPROACHES – The distance measured along the curb line or outside edge of the shoulder between the nearest edges of adjacent approaches, excluding the flares, transitions, or radii (see [Figures 1.5.1](#) and [1.5.2](#)).

DISTRICT – An administrative and maintenance subdivision of the Idaho Transportation Department encompassing a particular geographical region of the State of Idaho.

DISTRICT ENGINEER – The administrator of an Idaho Transportation Department administrative district, or a delegated representative.

DRILLING – Creating a path for a casing(s) through the use of an approved mechanical method.

DRIVING – A mechanical means to forcibly install a casing without the means of drilling or boring.

EMERGENCY – As used in this manual, any unscheduled work required to correct or prevent a hazardous situation that poses an imminent threat to life or property.

ENCROACHMENT – Any authorized or unauthorized use of highway right-of-way or easements or the air space immediately above the highway right-of-way.

ENGINEER – A professional engineer licensed in the State of Idaho.

ENGINEERING JUDGEMENT – The evaluation of available pertinent information, and the application of appropriate principles, standards, guidance, and practices for the purpose of deciding upon the applicability, design, operation, or installation of encroachments upon the State Highway System. Engineering judgment shall be exercised by a professional engineer licensed in the State of Idaho, or by an individual working under the supervision of an engineer, through the application of procedures and criteria established by the engineer. Documentation of engineering judgment is not required.

ENGINEERING STUDY– The comprehensive analysis and evaluation of available pertinent information, and the application of appropriate principles, standards, guidance, and practices, for the purpose of deciding upon the applicability, design, operation, or installation of encroachments upon the State Highway System. An engineering study shall be performed by a professional engineer licensed in the State of Idaho, or by an individual working under the supervision of an engineer, through the application of procedures and criteria established by the engineer. An engineering study shall be documented.

EXCHANGE DEED – A legal document of title, between the Idaho Transportation Department and the owner of real property, transferring and describing a property right (easement, usage, access size, type and location, etc.).

FARMING – See [AGRICULTURAL PRACTICES](#).

FHWA – The Federal Highway Administration, a division of the U. S. Department of Transportation.

FIBEROPTIC CABLE – A cable containing one or more glass or plastic fibers that has the ability to transmit light along its axis.

FIELD APPROACH – An approach that serves only non-residential agricultural property, including farmyards.

FIXTURE – Any sign, guard rail, bridge, tunnel, or other appurtenances placed within the highway right-of-way.

FLARE TANGENT DISTANCE – The distance of the approach radius measured along the edge of pavement (see [Figure 1.5.2](#)).

FRONTAGE – The distance measured along the highway right-of-way line between the frontage boundary lines of property that is contiguous to highway right-of-way (see [Figures 1.5.1](#) and [1.5.2](#)).

FRONTAGE ROAD – An auxiliary road, normally located within the highway right of way, but located to the side of the highway for service to abutting properties and adjacent areas for the purpose of controlling access and reducing the number of approaches along the highway segment.

FRONTAGE BOUNDARY LINE – A line perpendicular to the highway centerline that begins at the point of intersection of the abutting property line and the highway right-of-way line (see [Figures 1.5.1](#) and [1.5.2](#)).

FULL CONTROLLED ACCESS HIGHWAY – Any section of a highway system where access is prohibited except for interchange connections.

FUNCTIONAL CLASSIFICATION – A grouping of highways by the character of service (access and mobility) they provide. These include, but are not limited to, a minor collector, major collector, minor arterial, principal arterial, and interstate as defined in the latest edition of the Highway Functional Classification Manual by the U. S. Department of Transportation, FHWA.

GOVERNMENT AGENCIES – As used in this manual, includes federal, state, county, city, or local highway jurisdictions.

GRADE SEPARATIONS – A structure separating the elevations of two or more intersecting roads above or below a highway.

HIGHWAY(S) – The entire width between the boundary lines of every main traveled way publicly maintained when any part is open to use by the public for vehicular travel, with jurisdiction extending to the adjacent property line, including sidewalks, shoulders, berms, and rights-of-way not intended for motorized traffic. The term “street” is interchangeable with highway. Also, roads, streets, alleys, and bridges laid out or established for the public or dedicated or abandoned to the public. Highways shall include necessary culverts, sluices, drains, ditches, waterways, embankments, retaining walls, bridges, tunnels, grade separation structures, roadside improvements, adjacent lands, or interests lawfully acquired, pedestrian facilities, and any other structures, works, or fixtures incidental to the preservation or improvement of the highways. Roads laid out and recorded as highways, by order of a board of commissioners, and all roads used as such for a period of five (5) years, provided they shall have been worked and kept up at the expense of the public, or located and recorded by order of a board of commissioners, are highways.

HIGHWAY RIGHT-OF-WAY – Property rights to land generally designated for transportation purposes, open to the public, and under the jurisdiction of a Public Highway Agency.

HOSE -- Highway Operations and Safety Engineer. The Administrator of HQ Maintenance Services, Mobility Services, Office of Highway Safety and Traffic Services.

IDAPA – The Idaho Administrative Procedures Act.

IMMINENT THREAT – Includes major traffic control deficiencies or safety situations that are likely to result in serious injury or loss of life.

INTERSTATE HIGHWAY – As identified by federal code, a part of the National System of Interstate and Defense Highway System. An FHWA-approved arterial highway, freeway, or expressway with a fully controlled access, and having medians, grade separations at cross roads, and ramp connections for entrance to and exit from the traveled way.

ITD – The Idaho Transportation Department.

JACKING – A method of providing an opening for drainage or other purposes underground, by cutting an opening ahead of the pipe and forcing the pipe into the opening by means of horizontal jacks.

JETTING – Drilling with high pressure water or air jets.

JOINT-USE APPROACH – An approach constructed at a common boundary between adjacent properties that abut the highway. A joint-use approach is equally owned and shared as common access by both property owners.

LANDLOCKED PARCEL – A parcel of land without a legal right to access.

LANDSCAPING – Any action taken to change the features or appearance of the highway right-of-way or abutting property with plants, soil, rock, and related material.

LEAN CONCRETE BACKFILL – An approved concrete mixture using cement, water, sand, and aggregate material used to replace excavated material (see the current special provision for Trenching).

LEVEL OF SERVICE – A qualitative measure describing operational conditions within a traffic stream, generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety (see CAPACITY, CONGESTION, and VOLUME).

LOADED RATE – As used in this manual, includes hourly wages plus the cost of associated benefits.

LOCAL AUTHORITY – See LOCAL HIGHWAY AGENCY.

LOCAL HIGHWAY AGENCY – Any city, county, highway district or other local board or body having authority in Idaho Code to enact regulations, resolutions, and/or ordinances relating to traffic on the highways, highway rights-of-way, and streets within their respective jurisdiction.

LOCAL HIGHWAY JURISDICTION – A county, city, or highway district with jurisdiction over a highway system.

LOCAL ISSUING AUTHORITY – See LOCAL HIGHWAY JURISDICTION.

LOCAL ROAD – A city, county, or highway district highway whose primary function is to provide access to adjacent properties.

LOGO SIGNS – Signs giving specific information in the interest of the traveling public along interstate highways and other fully controlled access highways.

MAINTENANCE – The continuous work or in kind replacement that is required to keep any encroachment within the highway right-of-way from deterioration due to wear and tear, and to preserve the general character of the original improvement without alteration of any of its component factors.

MAJOR COLLECTOR – Any public highway designated as a route to provide traffic circulation and collect traffic from local roads within residential neighborhoods and commercial and industrial areas and channel it into the arterial system.

MEDIAN – The portion of a divided highway or approach that separates opposing traveled ways. Medians may be raised, flush, or depressed relative to the roadway surface, and may be landscaped or paved.

MEDIAN OPENING – A paved area bisecting opposite directions of a divided roadway that is designed to permit traffic to cross at least one direction of travel.

MEMORIAL – An object established in memory of an event or person(s).

MINOR COLLECTOR – These roads are located only in rural areas, are off the State Highway System, and are subject to local highway jurisdiction.

MINOR ARTERIAL – Any rural or urban public highway designated as a route that provides substantial corridor movement with trip length and density suitable for linking cities, counties, states, and other traffic generators.

MOBILITY - Mobility is provided at varying levels of service. Mobility can incorporate several qualitative elements, such as riding comfort and absence of speed changes, but the most basic factor is operating speed or trip travel time.

MULTIPLE FAMILY RESIDENTIAL – A single parcel of land containing more than one residence (i.e., duplexes, apartments, trailers).

MUTCD – The Manual on Uniform Traffic Control Devices for Streets and Highways, latest edition, as adopted by the Idaho Transportation Board in accordance with Idaho Code 49-201(3). A manual written by the Federal Highway Administration that sets national minimum standards for signing, striping, and traffic control devices.

NATIONAL HIGHWAY SYSTEM (NHS) – The system of federal-aid highways, urban and rural, designated and approved in accordance with the provisions of [23 U. S. C. 103\(b\)](#).

NCHRP-350 – A National Cooperative Highway Research Program report that provides testing procedures that evaluate the safety and crash worthiness of roadway features and traffic control devices on the National Highway System and the State Highway System.

NON-STANDARD ENCROACHMENT – Any encroachment that does not meet Department standards.

OFFSET – A distance measured at right angles to the left or right of the highway centerline.

PARK or PARKING – As used in this manual, the temporary stopping of a vehicle, whether occupied or not, for purposes other than emergencies, unless authorized.

PARTIAL CONTROL OF ACCESS HIGHWAY – Any section of the State Highway System that has restrictions placed on any encroachment within the State highway right-of-way.

PERFORMANCE BOND – A statutory bond issued by a surety company authorized to do business in the state of Idaho that guarantees performance of work in accordance with permit requirements.

PERMIT FORMS – *Encroachment Application forms as follows:*

ITD-2109 Right-of-Way Encroachment Application and Permit Approaches or Public Streets

ITD-2110 Right-of-Way Encroachment Application and Permit – Utilities

ITD-2111 Right-of-Way Encroachment Application and Permit for Other Encroachments

PERMITTEE – Person or persons, utility facilities, and other agencies granted permission to encroach within the highway right-of-way for authorized purposes other than normal travel.

PRINCIPAL ARTERIAL – Any rural or urban highway designated as a route that provides substantial corridor movement for volumes greater than minor arterial highways.

PRIVATE APPROACH – Every privately owned traveled way that is used for ingress to and egress from the highway right-of-way and an abutting property.

PROPERTY LINE CLEARANCE – The distance measured along the curb line or outside shoulder edge from the frontage boundary line to the nearest edge of the approach width, excluding flares, transitions, and radii (see [Figures 1.5.1](#) and [1.5.2](#)).

PUBLIC APPROACH – Any approach that serves the public without restriction and is maintained by a public agency.

PUBLIC AUTHORITY – See PUBLIC HIGHWAY AGENCY.

PUBLIC HIGHWAY – All highways open to public use in the state, whether maintained by the state or by any county, highway district, city, or other political subdivision.

PUBLIC HIGHWAY AGENCY – The state transportation department, any city, county, highway district, or any other state agency, or any federal or Indian reservation, which has jurisdiction over public highway systems and highway rights-of-way within the State of Idaho.

REGIONAL ENGINEER – An ITD engineer that oversees roadway construction and/or maintenance activities. A “Resident Engineer” or “Maintenance Engineer” may be interchangeable with Regional Engineer in some Districts.

RESIDENTIAL APPROACH – A private approach serving single or multiple single-family residences.

ROADSIDE – Any area beyond the main traveled way, that may or may not be within the highway right-of-way.

ROADWAY – That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms, and other portions of the rights-of-way.

RURAL AREA – All areas outside the boundaries of an urban district.

RURAL APPROACH – An approach in a non-curb and gutter section of the public highway which may or may not be within a designated rural area (see ITD [Standard Drawing H-4-A](#)).

SAFETY REST AREA – A roadside facility located directly on the State highway right-of-way to provide convenient and safe rest and relief from the fatigue of travel.

SETBACK – The horizontal distance between the highway right-of-way line and permanent fixtures, such as gas pump islands, signs, display stands, buildings, etc., measured at right angles to the highway centerline (see [Figures 1.5.1](#) and [1.5.2](#)).

SIGNAL SPACING – The distance between signalized intersections measured from the center of intersection to the center of intersection.

SLIPJOINT – A mechanical device that compensates for the expansion and contraction (movement) of sections of casing or conduit when attached to a structure.

SLOPE – Slope is expressed as a non-dimensional ratio between vertical and horizontal distance. For side slopes, the vertical component is shown first, then the horizontal.

SLUICING – Moving earth, sand, gravel, etc., by flowing water.

SPEED – The rate of vehicular travel as measured in miles per hour. All speeds used in this document shall be the 85th percentile speed as determined by an engineering study. As it applies to the functional classification of a highway, in urban areas, “high” speeds are equal to or above 45 mph and “medium” speeds are 35 to 40 mph; in rural areas, “high” speeds are equal to or above 50 mph.

STATE HIGHWAY – Any highway under the jurisdiction of the Department.

STATE HIGHWAY SYSTEM – The principal highway corridors in the state, including connections and extensions through cities and roads to every county seat in the state, as approved by the Idaho Transportation Board and officially designated as a State Highway.

STATE TRAFFIC ENGINEER – The administrator of the Headquarters’ Traffic section for the Idaho Transportation Department, or a delegated representative.

STRUCTURE – Shall consist of, but not be limited to, bridges, culverts, siphons, headwalls, retaining walls, buildings, and any incidental construction not otherwise defined herein.

SUBDIVISION – A division of real property into three or more separately platted parcels.

TEMPORARY ENCROACHMENT – Any encroachment that is not approved as a permanent placement within the highway right-of-way.

THROUGH – Any highway or portion of it on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right of way to vehicles on the through highway in obedience to a stop sign, yield sign, or other traffic-control device.

TODS SIGNS – Tourist oriented directional signs for services and activities along the State Highway System except for fully controlled access facilities.

TRAFFIC – Pedestrians, bicycles, animals, vehicles, streetcars, buses, and other conveyances, either singly or together, that use the highway right-of-way for the purpose of travel.

TRAFFIC CONTROL DEVICE – Any marking or device whether manually, electronically, or mechanically operated, placed or erected by an authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

TRANSITION TANGENT DISTANCE – The distance of the approach transition measured along the face of curb (see [APPROACH TRANSITION](#) and Figure 1.5.1).

TRAVELED WAY – The portion of the roadway for the movement of vehicles, exclusive of shoulders.

TRAVEL LANE – That portion of the traveled way designated for use by a single line of vehicles.

TRENCHING – A method in which access is gained by excavation from ground level to the required level underground for the installation, maintenance, removal, or inspection of a cable, casing, conduit, or pipe. The excavation is then back filled with approved material, and the surface is then returned to a condition specified by the Department.

TURNOUTS – Roadside areas immediately adjacent to highways which may be utilized by vehicles for purposes of short-term parking or turning. They are extensions of the mainline roadway.

UNAUTHORIZED ENCROACHMENT – Any encroachment that has been placed, modified, maintained, or removed within the highway right-of-way without authorization by the Department.

URBAN AREA – Any geographical area within the city limits of any incorporated city having a population of five thousand (5,000) or more inhabitants. Population numbers referred to shall be determined by the latest [United States Census](#).

URBAN APPROACH – An approach located within a curb and gutter section of a public highway that may or may not be within an urban area (see ITD [Standard Drawing H-2-A](#)).

URBAN DISTRICT – The territory contiguous to and including any highway, which is built up with structures, devoted to business, industry, or residences.

UTILITY – Any publicly, privately, or cooperatively owned and/or operated utility facility.

UTILITY FACILITY – All privately, publicly, or cooperatively owned systems used for the production, transmission, or distribution of communications, cable television, power, electricity, light, heat, petroleum products, ore, water, steam, waste, irrigation, storm water not connected with highway drainage, and other similar items, including communication towers, guy wires, fire and police signal systems, and street lighting systems, that directly or indirectly serve the public or comprise part of the distribution systems which directly or indirectly serve the public.

UTILITY LOCATING SERVICE – Any locally or regionally recognized service that locates and maintains records of existing utility facilities.

VARIANCE – A modification of Department Standards for Access. Variance requests are processed as denied permits under the appeals process.

VEHICLE – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon rails or tracks.

VISION TRIANGLE – In accordance with [Idaho Code 49-221](#), the minimum boundary of a motorist line-of-sight required at the edge of pavement or face of curb of a public or private intersection, including railroad crossings. The term “sight triangle” is interchangeable with “vision triangle” (see [section 4.5.6](#)).

VOLUME – As applied to the functional classification of a highway, is the number of vehicles estimated to use a certain type of travel lane during a twelve-month period (see **CAPACITY**). A highway with “high” volumes is at or near capacity; a highway with “medium” volumes is at or near fifty percent of capacity.

WARRANT – An evaluation of need based on an engineering study.

The use of “Shall” or “Will,” “Should,” and “May” denote the following conditions:

SHALL/WILL – A **mandatory** condition. Mandatory requirements are stipulated.

SHOULD – An **advisory** condition. Advisable, recommended usage, but not mandatory.

MAY – A **permissive** condition. No requirement is intended.

ILLUSTRATION OF DEFINITIONS APPLYING TO CURB AND GUTTER SECTIONS

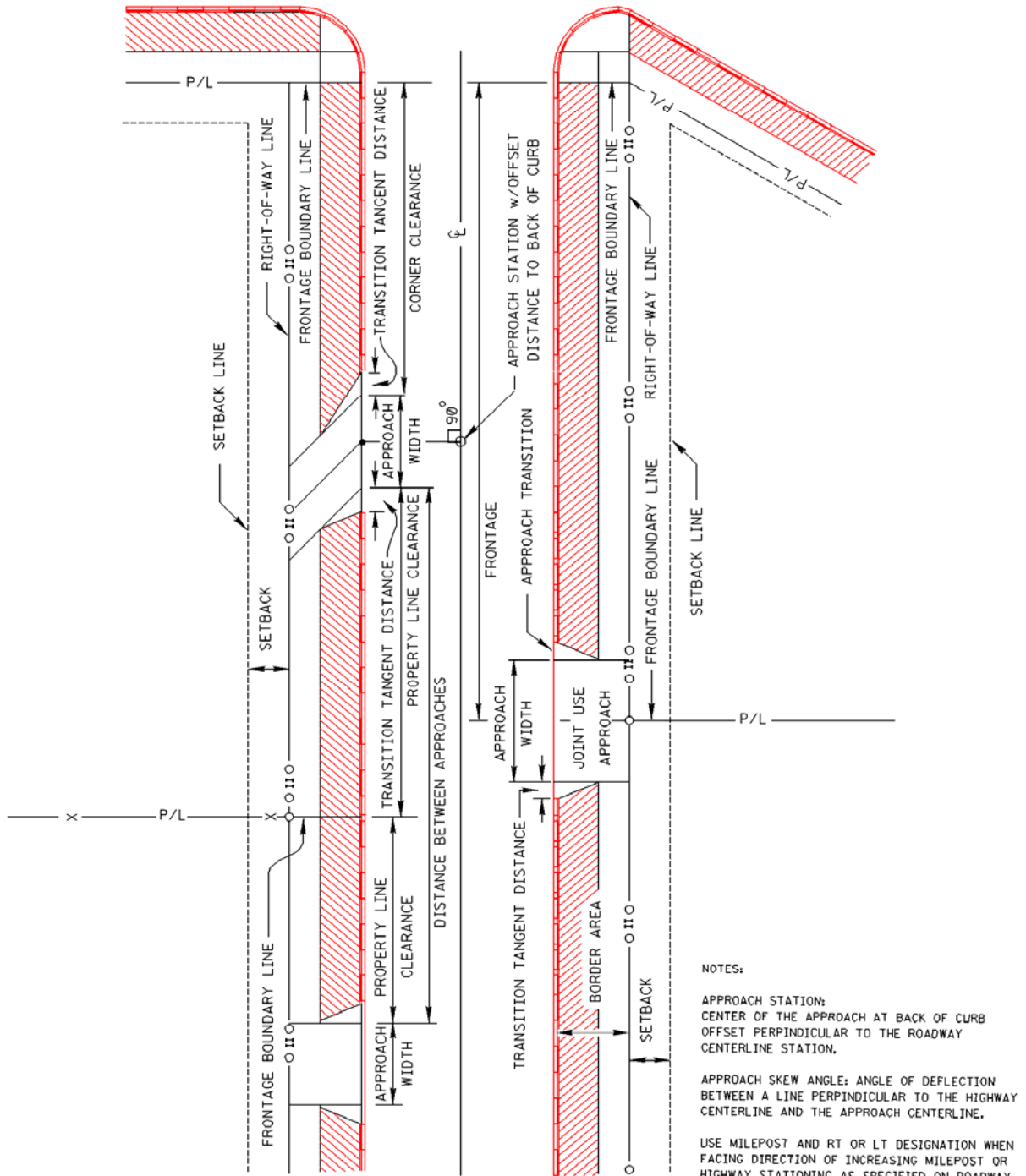
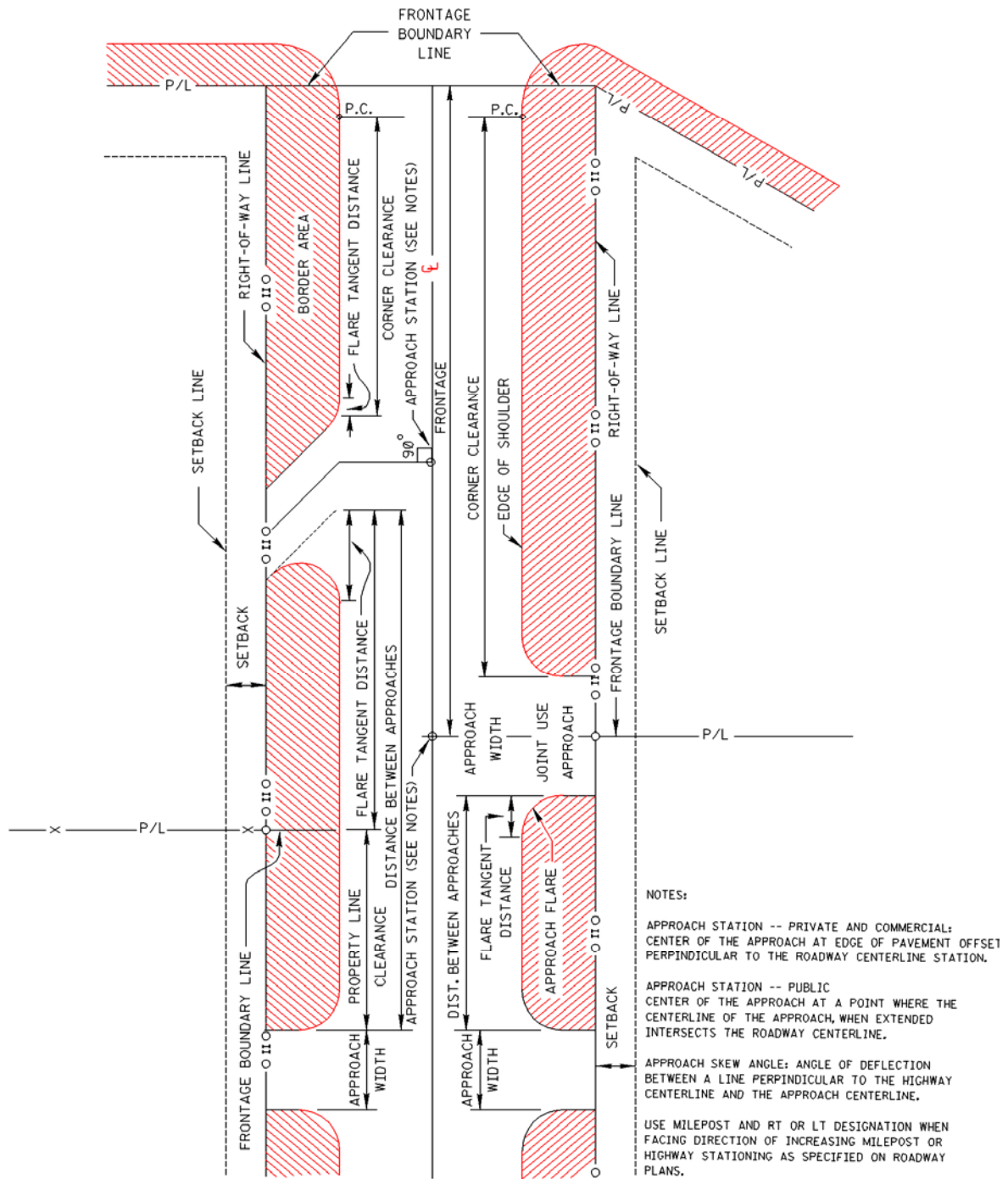


Figure 1.5.1

5/2000

ILLUSTRATION OF DEFINITIONS
 APPLYING TO SECTIONS WITHOUT CURB AND GUTTER



5/2000

Figure 1.5.2

II. Access Type Standards

2.1 Access Control

Regulating access is called “access control.” It is achieved through the regulation of public access rights to and from properties abutting the highway facilities. These regulations generally are categorized as full control of access, partial control of access, access management, and driveway/entrance regulations. The principal advantages of controlling access are the preservation or improvement of service and safety.

The functional advantage of providing access control on a street or highway is the management of the interference with through traffic. This interference is created by vehicles or pedestrians entering, leaving, and crossing the highway. Where access to a highway is managed, entrances and exits are located at points best suited to fit traffic and land-use needs and are designed to enable vehicles to enter and leave safely with minimum interference from through traffic. Vehicles are prevented from entering or leaving elsewhere so that, regardless of the type and intensity of development of the roadside areas, a high quality of service is preserved and crash potential is lessened. Conversely, on streets or highways where there is no access management and roadside businesses are allowed to develop haphazardly, interference from the roadside can become a major factor in reducing the capacity, increasing the crash potential, and eroding the mobility function of the facility.

The transition of roadway functions within this hierarchy allows for the establishment of a functional classification system. Functional classification defines and groups those highways with similar characteristics and levels of service (see [Figure 2.3.2](#)). The management of access control is based on the functional classification of those highways. Each access control type reflects a functional classification that determines the restrictions and/or requirements for corresponding miscellaneous encroachments and approaches.

2.2 History of Access Control

Access control standards to regulate the travel of through traffic were established on the State Highway System in 1954 with the development of the Standard Driveway Policy. This policy was renamed Standard Approach Policies in 1956. The Standard Approach Policies established minimal requirements for approach widths, spacing between approaches, corner clearances, and property line clearances.

In 1963, under Board Policy B-125, the Idaho Transportation Board established policies for full and partial access control on the State Highway System. Fully controlled highways allowed access only by ramp connections. Partially controlled access highways established six different levels of control, indicated by the alphabetical designations “A”

through “F”. The standard approach policy continued to apply to all other portions of the State Highway System not designated as a fully or partially controlled highway.

In 1976, Board Policy B-12-15 (formerly B-125) modified the classification of partial access control and modified the alphabetical designations to four types (I – IV). The policy for full access control remained unchanged until 1981 when it was renamed access control Type V. The standard approach policy continued to apply to all other portions of the State Highway System not designated as a fully or partially controlled highway. The publication “Standard Approach Policies” was renamed the “Right-of-Way Use Policy” in 1982.

By adoption of the access management standards and procedures contained herein, the State highways previously managed under five of the six existing types of access control, the standard approach policy and partial control Types I–IV, are redesignated as partial access control Types I-IV. Access control Type V continues to be designated as full control.

2.3 Access Types and Functional Classification

The Idaho Transportation Board approves the functional classification of each State highway. Development of the functional classification of rural and urban State highways is made through the cooperation of the local jurisdictions. The Idaho Transportation Board retains the right to change functional classifications.

Access types are based upon the functional classification of a State highway and take in to account the level of existing and planned roadside developments, highway characteristics such as the number of lanes and the presence or lack of a median, and traffic volumes and speeds. Each access type has its own geometric, traffic control, and spacing requirements (see [IV. Approaches: Location and Design Standards](#)).

The two major considerations in classifying highway and street networks functionally are access and mobility. The conflict between serving through movement and providing access to a dispersed pattern of trip origins and destinations necessitates the differences and gradations in the various functional types. Regulated limitation of access is needed on arterials to enhance their primary function of mobility.

Conversely, the primary function of local roads and streets is to provide access (implementation of which causes a limitation of mobility). The extent and degree of access control is thus a significant factor in defining the functional category of a street or highway.

Allied to the idea of traffic categorization is the dual role that the highway and street network plays in providing (1) access to property and (2) travel mobility. Access is a fixed need for every area served by the highway system. Mobility is provided at varying levels of service. Mobility can incorporate several qualitative elements, such as riding comfort and absence of speed changes, but the most basic factor is operating speed or trip travel time.

Urban and rural areas have fundamentally different characteristics with regard to density and types of land use, density of street and highway networks, nature of travel patterns, and the way in which these elements are related. Consequently, urban and rural functional systems are classified separately.

CONCEPTUAL ROADWAY FUNCTIONAL HIERARCHY

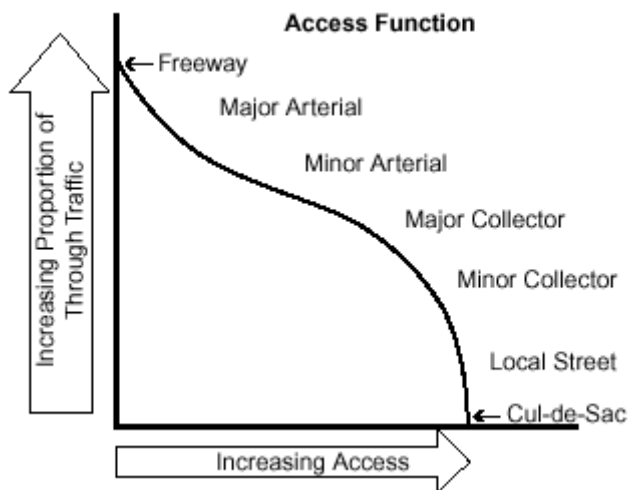


Figure 2.3.1

ACCESS TYPES AND THEIR RELATIONSHIP TO FUNCTIONAL CLASSIFICATION

ACCESS TYPE	RURAL FUNCTIONAL CLASS	URBAN FUNCTIONAL CLASS
I →	Minor Collector, Major Collector	
II →	Minor Arterial	Collector, Minor Arterial
III →	Principal Arterial	Principal Arterial
IV →	Principal Arterial (multiple-lane)*	Principal Arterial (multiple-lane)*
V →	Interstate	Interstate

Greater Control
Higher Function

* Multiple-lane implies a highway with two or more through lanes in the same direction of travel. The highway may or may not be divided.

Figure 2.3.2

As indicated above, with the exception of access Types I and V, a more restrictive type of access control may be applied to a roadway section with a lower level functional class

(see [Figure 2.3.1](#)). A more restrictive control of access may be applied if a section of State highway has operational characteristics similar to those found in a functionally higher class State highway.

Control of access may be changed by the following:

- The Idaho Transportation Board's right to modify access control, reconstruct or widen the roadway, and arrange for necessary modification or closure of approaches and/or points of access.
- Access control developed in coordination with local authorities.
- State and Federal regulations that restricts access.
- Access control on all segments of the State Highway System shall be upgraded to match the most current functional classification.

All rights of access shall be verified through the use of legal documents of title. Project plans do not qualify as legal documentation.

2.4 Type I (Major Collector)

Type I access control is applicable to segments of routes on the State Highway System that are functionally classified as major collectors. Major collector highway segments are in rural locations and typically have low to medium volumes with high speeds. All major collectors shall be upgraded to a minor arterial or higher class once located within an urban area.

Because of these generally higher speeds, roadway improvements such as auxiliary lanes may be required to provide safe access. Each approach shall meet the design considerations of [section 4.5, Design Principles & Restrictions](#).

2.5 Type II (Minor Arterial)

Type II access control is applicable to segments of routes on the State Highway System that are functionally classified as minor arterials and some selected segments of routes classified as major collectors that exhibit characteristics of minor arterials. Minor arterial highway segments typically have medium to high traffic volumes with speeds that vary from medium in urban areas to high in rural areas.

Public highway connections and new private approaches may be permitted at spacing in accordance with [Table 4.5.1.1](#). Joint-use approaches are encouraged. As land uses change, existing approaches should be reviewed to encourage the development of frontage roads. Each approach shall meet the design considerations of [section 4.5, Design Principles & Restrictions](#).

2.6 Type III (Principal Arterial)

Type III access control is applicable to segments of routes on the State Highway System that are functionally classified as principal arterials. Type III can also be applied to selected segments of routes on the State Highway System that are classified as minor

arterials but exhibit characteristics of principal arterials. Principal arterial highway segments typically have medium to high volumes with speeds that vary from medium in urban areas to high in rural areas.

Public highway connections and new private approaches may be permitted at spacing in accordance with [Table 4.5.1.1](#). Joint-use approaches are encouraged. As land uses change, existing approaches should be reviewed to encourage the development of frontage roads. Each approach shall meet the design considerations of section 4.5, Design Principles & Restrictions.

2.7 Type IV (Principal Arterial, Multi-Lane, Divided)

Type IV access control is applicable to selected segments of routes on the State Highway System that are functionally classified as principal arterials and that have two or more through lanes in the same direction of travel.

Public highway connections and new private approaches may be permitted at spacing in accordance with [Table 4.5.1.1](#). Joint-use approaches are encouraged. As land uses change, existing approaches should be reviewed to encourage the development of frontage roads. Each approach shall meet the design considerations of [section 4.5, Design Principles & Restrictions](#).

2.8 Type V (Interstate)

Type V access control is applicable to State highways accessible only by interchanges (ramps). These highways typically include the interstate system and require FHWA approval for any change in access.

2.9 Access Purchased with Federal Funds

The provisions of [23 CFR 620](#) require the need for Federal Highway Administration (FHWA) concurrence on all disposals of rights-of-way including access control on the National Highway System (NHS), both interstate and non-interstate. This applies where Federal-aid highway funds have participated in the purchase of State highway right-of-way or the physical construction costs of a State highway project. No change may be made to the control of access on the Interstate without approval by the FHWA.

III. Permit Process

3.1 Introduction

Each District Engineer shall administer encroachments within State Highway System rights-of-way within their respective District in conformance with Department policies and applicable state and federal regulations. Access control on highways not a part of the State Highway System shall be the responsibility of the public highway agency having jurisdiction of that roadway.

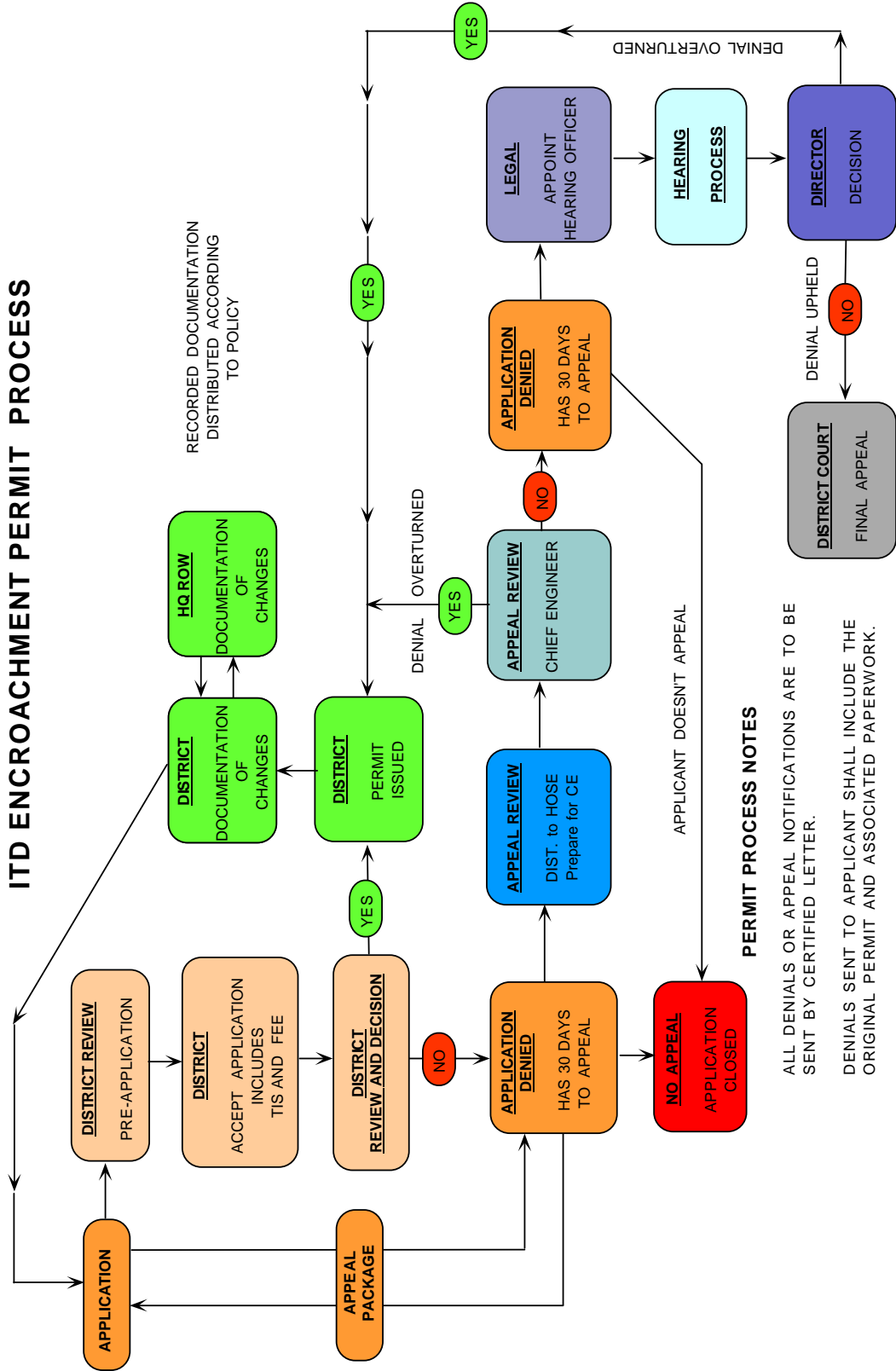
Permits are required for public and private approaches (highways, roads, streets, driveways), utilities, and other miscellaneous encroachments that add or change access to the State highway, or encroach within State highway rights-of-way for any purpose other than normal travel, unless such encroachment has been established under a cooperative agreement.

All steps of the permit process should be well documented. This may require personnel to keep a tracking log for phone calls, e-mails and letters between those individuals or entities that are party to discussions involving encroachments within the State Highway right of way. Keeping a chronological record of the permit process from beginning to end will make it easier for the Department to address issues in a timely fashion and to make sure that the permit process is expedited. If a permit is appealed this will also expedite the review process. All documentation sent to the applicant for denials and appeals or changes in permit requirements should be documented and all mailings in that regard shall be sent certified with return receipt requested. Certified mail with a return receipt is required to establish the 30 day timeline for appeals and to establish required response times within the permit process to make sure that the process is addressed in a timely manner.

SPECIAL NOTE: The Idaho Transportation Department or local highway agencies cannot approve encroachments upon railroad rights-of-way. Applicants must contact the appropriate railroad official.

The following flow chart demonstrates the encroachment permit process to be followed for all approval or denial of encroachment applications, variance requests and appeals. Various sections of this document will give additional guidance to the user in the proper interpretation and application of the steps in the process.

ITD ENCROACHMENT PERMIT PROCESS



PERMIT PROCESS NOTES

- ALL DENIALS OR APPEAL NOTIFICATIONS ARE TO BE SENT BY CERTIFIED LETTER.
- DENIALS SENT TO APPLICANT SHALL INCLUDE THE ORIGINAL PERMIT AND ASSOCIATED PAPERWORK.
- UNLESS THE PERMIT TIMELINE IS STOPPED FOR LACK OF INFORMATION, THE DAYS SHOWN WILL APPLY.
- ALL APPLICATIONS WHICH DO NOT MEET CURRENT DEPARTMENT POLICY MUST BE DENIED. VARIANCES MAY BE REQUESTED THROUGH THE APPEAL PROCESS.

3.2 Local Review

The Department, acting through the District Engineers, should discuss all encroachment permits with local highway and planning agencies and allow them an opportunity to make recommendations approval or denial. These discussions should take place whenever the encroachment permit involves an area that may have an effect on the local highway system or involves developments that have been submitted to local planning agencies but require access to the State Highway System. The Department should have ongoing discussions between the Districts and local agencies which include the Department planners and planners from the local MPO and planning organizations. These discussions should work toward developing a strong working relationship that allows each agency to understand the importance of the State Highway System and the requirement of access control and the effects of development on the operation and safety of both the State and local highway systems. Cooperation amongst the various agencies is especially critical in those areas where developments access the State Highway from local roads and as such do not require an encroachment permit to work within the State Highway right of way. **The Department shall retain the authority to issue all permits on the State Highway System.**

On roadways removed from the State Highway System, maintaining control of access belongs to the local highway agencies acquiring jurisdiction of that roadway.

3.3 Permit Numbers, Names & Receipts

All permits to encroach within State highway rights-of-way shall be assigned a permit number consisting of the following: the District in which the application is submitted, the State fiscal year of the permit, and a sequential number (starting each year with 001). (For example, the first permit issued in District 1 for FY96 would be 1-96-001. To ensure that an accurate permit history is established and maintained, only those permits with a number issued by the Department will be considered for approval on the State Highway System.

A single numbering system shall be used on the: [ITD-2109](#), *Right-of-Way Encroachment Application and Permit - Approaches or Public Streets*, [ITD-2110](#), *Right-of-Way Encroachment Application and Permit for Utilities* and [ITD-2111](#) *Right-of-Way Encroachment Application and Permit for Other Encroachments*. A current version of these forms is available at any District office. A record of all permits must be maintained by the issuing agency.

All permits shall be assigned the name of the property owner on the initial application. The permit and all correspondence shall reference the permit number and property owner's name. Once the initial application is started no name changes will be allowed and references to permits by subdivision name, attorney name, contractor or builder name is not allowed. For consistency of permit history the property owner name assigned to the permit must be retain throughout the permit process.

When the Department receives a non-refundable payment for an application, a receipt shall be issued on an ITD-approved receipt form. The local highway jurisdictions shall issue receipts in accordance with their procedures. If application fees are waived (see section 3.4), an explanation justifying the waiver shall be included with the application.

3.4 Fee Structure

Applications to encroach within State highway rights-of-way shall not be processed until all applicable permit fees are received. Utility companies may establish an account with the Department. Application fees are based on the Department’s cost to produce the permit and administer the program. Fees for permits are non-refundable in the event of denial of the permit by the Department or in the event the permittee fails to comply with the permit.

Application fees will be collected and retained by the local issuing authority. Both the local highway jurisdiction and the Department shall retain a copy of the approved encroachment permit for their records.

The permit application fees shall be as follows:

Approaches and Other Encroachments:

(ITD-2109) Right-of-Way Encroachment Application and Permit – Approaches or Public Streets

Farm or Field, Type I Access Control	\$50.00
Farm or Field, Type II – IV Access Control	\$75.00
Single Family Residential, Type I Access Control	\$50.00
Single Family Residential, Type II – IV Access Control	\$75.00
Multiple-Family Residential, Type I Access Control.....	\$50.00
Multiple-Family Residential, Type II – IV Access Control	\$75.00
Subdivision, Type I Access Control (No TIS Required).....	\$50.00
Subdivision, Type II - IV Access Control (TIS Required).....	\$75.00
Commercial, Type I Access Control (No TIS Required)	\$50.00
Commercial, Type I Access Control (TIS Required)	\$75.00
Commercial, Type II – IV Access Control (No TIS Required).....	\$75.00
Commercial, Type II – IV Access Control (TIS Required).....	\$100.00

(ITD-2111) Right-of-Way Encroachment Application and Permit for Other Encroachments

Other Encroachments (see section 3.12)	\$ 50.00
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Miscellaneous Costs:

In addition to the permit application fee, the Department may require the applicant to pay costs associated with the following:

- Appraisal fees required for the establishment of the value of property to address new, additional, modification in design or use, or relocation of approaches or other encroachments within a controlled access State highway (see section 3.10, Appraisals).
- Inspection fees required to monitor and accept work done within the State highway right-of-way. This includes travel time in excess of one (1) hour. The following provision should be included with the permit to encroach within State highway rights-of-way:

Inspection special provisions: “The Idaho Transportation Department shall be reimbursed for inspection time, including a loaded payroll rate, vehicle rental cost, subsistence and other expenses incurred.” If additional inspections are required, the permittee will be billed a flat fee as determined by the District at the time the permit is issued.

- A performance bond to guarantee completion of the work in accordance with the requirements of the permit. The bond amount should be large enough to cover the costs to correct potential damage that might be caused by the permittee. The District shall ensure that the bond is executed by a surety company authorized to conduct business in the State of Idaho and incorporated into the permit file before the permittee is authorized to commence work.
- If a permanent boundary survey marker is disturbed during the performance of work associated with an approved encroachment permit, the permittee shall be held responsible for obtaining the services of a professional land surveyor licensed in the state of Idaho to replace the permanent boundary survey marker to its proper location as determined by the Department. The permittee shall be held responsible for any and all costs associated with repairing, replacing, or relocating the permanent boundary survey marker. This shall include but not be limited to compensation based on actual cost to the Department for any and all costs incurred by the Department in having the permanent boundary marker repaired, replaced or relocated. In addition the permittee may be held liable under [Idaho Code 54-1234](#). MONUMENTATION – PENALTY AND LIABILITY FOR DEFACING
- Costs associated with the review of studies or appraisals.
- Costs associated with the construction of highway modifications or improvements, including but not limited to signals, illumination, signs, pavement markings, delineation, guardrail, culverts.
- Changes or adjustments made to State highway features or fixtures.
- Expenses relating to photocopying highway plans, permits, or related documents.

Permit application fees **may** be waived for the following:

- Government agencies.
- Utility adjustments or relocations per State highway project utility agreements.
- Utility adjustments requested by the Department.
- Approaches or other encroachments resulting from State highway right-of-way negotiations that are included in the plans and completed during construction of a State highway project.
- Agricultural use of the State highway right-of-way included in a right-of-way agreement.
- Instances that have a direct benefit to the Department, i.e., allowing an adjacent landowner to level the State highway right-of-way to remove obstructions and improve safety.
- Removal of an existing encroachment.

If application fees are waived, an explanation justifying the waived fees shall be included with the application.

The above permit application fees do not include impact or other miscellaneous fees imposed by local highway or planning agencies.

3.5 Pre-Application Requirements & Preliminary Review

The District shall advise applicants of the Department's procedures for all approaches and miscellaneous encroachments and be made fully aware of the length, cost, and complexity of this process. This includes, but is not limited to, access restrictions, permit requirements, and costs associated with impact studies, appraisals, and construction.

The Department recommends a preliminary application conference with appropriate District personnel, including the appropriate Maintenance foreman, and any affected local highway jurisdiction and planning agency. The conference should be used to discuss the following Department local highway agency access management requirements:

- Federal, state, and local regulations as they relate to the permit process;
- Type of permit to apply for;
- Type of access control in effect for that road segment;

- Site specific conditions;
- Options for access location and design; and,
- Items that will be required for submittal with the formal application.

Comments and recommendations from the preliminary conference shall not be considered final approval or denial.

The applicant may be required to furnish information to evaluate the impacts of the proposed access or encroachment on the State Highway System, including but not limited to:

- Correspondence, minutes and/or findings from land use planning agencies, governmental agencies, property owners, etc. in regard to a requested encroachment on the State Highway System.
- Vicinity, property, parcel, and ownership maps that clearly indicate all easements, existing accesses, other encroachments, and all contiguous ownership.
- Ownership documents, including all interest of record, mortgages, and trusts. The applicant shall be either the legal owner or the authorized representative for the legal owner of the property under consideration. Utilities may be required to show evidence of easement rights.
- Full property description, including township, range, section, bearing and distance of all property lines, acreage, easements, and subdivision plat, if applicable.
- All State highway right-of-way encroachment permits, State highway projects, and changes made to the property, existing approaches and/or other encroachments since purchase. All access control documents are retained in the Headquarters or District Right-of-Way offices.
- Current and proposed encroachment for the property, including zoning approval and written verification that proposed use will not degrade a local jurisdiction's comprehensive plan.
- A complete description of the proposed final use(s) of the property(s) to be served by the permit including each use type, number of units, and square footage.
- All existing and proposed features, including but not limited to: setback and location of structures, internal roadways, all site accesses, access design, number and location of lanes, parking areas and traffic circulation aisles, pedestrian, bicycle and handicap accommodations, large vehicle accommodations, fire lanes, curbs, gutters, sidewalks, islands, signs, utilities, parking, pavement locations and

types, drainage and other waterways, landscaping, berms, sprinklers, side slopes, profiles, and typical sections.

- Development plans, or other plans or maps, showing both sides of the affected State highway and all corners of any approaches or intersections on, across, adjacent to or near the property affecting access, design, environment, safety, or operation.
- Site plans which clearly indicate the character and extent of the access, landscaping and/or other encroachment work proposed, phasing of development, date traffic generation begins, and development build-out year.
- Anticipated traffic volumes and associated types of vehicles that will use the proposed route(s), including existing and development build-out volume projections for AM and PM peak hours.
- For developments projected to generate 25 or more peak hour trips or that add a total volume of 250 vehicles per day or more, a Transportation Impact Study shall be completed in accordance with the requirements presented in the ITD document, “[Requirements for Transportation Impact Study](#)” (see [section 4.2, Approaches for Major Developments \(TIS\)](#)).
- Proposed access or other encroachment designs including plan and profile, width, radii.
- Construction details for any modification of the State highway right-of-way, including approach radii, new acceleration and deceleration lanes, signing, median barriers, turn lanes, and pavement marking details, and vicinity drainage sufficient to assure accommodation of drainage off of the State highway right-of-way.
- All applications shall be accompanied by traffic control plans, design details and specifications that address dust control, site reclamation, environmental protection and work site safety. The applications shall also be required to contain construction plans stamped by an engineer licensed in the state of Idaho.

The District shall establish the exact location and type of highway access control for each utility, approach, or encroachment. The milepost location shall be determined to the nearest 0.01 mile.

To determine processing requirements for permits, appropriate Department personnel should be contacted to obtain the Board determination of access control and functional classification for the affected highway section. Contact the Right-of-Way section to obtain deeds and right-of-way contracts. **Highway plans shall not be used to verify access control type.**

Design personnel should be consulted to avoid conflicts between proposed encroachments and State highway maintenance or construction projects. If the possibility of a conflict exists, the applicant shall be required to work with the appropriate ITD personnel to resolve any conflicts before an application is submitted.

The applicant shall contact a utility locating service and determine if existing and proposed facilities conflict with the proposed encroachment. Should conflicts exist, the applicant shall make adjustments to the proposed encroachment design or location before an application is submitted. See [Idaho Code Title 55, Chapter 22, “Underground Facilities Damage Prevention.”](#)

If a permanent boundary survey marker is disturbed during the performance of work associated with an approved encroachment permit, the permittee shall be held responsible for obtaining the services of a professional land surveyor licensed in the state of Idaho to replace the permanent boundary survey marker to its proper location as determined by the Department. The permittee shall be held responsible for any and all costs associated with repairing, replacing, or relocating the permanent boundary survey marker. This shall include but not be limited to compensation based on actual cost to the Department for any and all costs incurred by the Department in having the permanent boundary marker repaired, replaced or relocated. In addition the permittee may be held liable under [Idaho Code 54-1234](#). MONUMENTATION – PENALTY AND LIABILITY FOR DEFACING

3.6 Completing the Application

Applications for all encroachments within State highway rights-of-way shall be completed by the issuing District office, rather than the applicant. Applications for the installation, modification, relocation, or removal of encroachments located within a State highway construction project shall be completed by the Resident Engineer, prior to being signed by the applicant/property owner. A sample of these applications can be found in [Appendix B](#).

The issuing agent shall verify that all applications are accurate and complete. The application shall be signed by the owner or an authorized representative. Joint-use applications shall be signed by all deeded owners or authorized representatives. Applications which involve joint-use or cross access agreements will not be considered complete until a notarized and recorded copy of the agreement between all interested parties is provided to the Department.

Only one (1) original application is needed. Copies of the application may be made as required for Department. The original application shall be returned to the applicant after the permit is approved or denied.

Refer to [section 3.13, Final Review Process](#).

3.7 Submitting the Application

All Encroachments:

The application process will not proceed until the applicant has fulfilled all application submittal requirements and paid all associated costs. If, once an application is submitted, the permitting process is not completed within one (1) year as a result of inactivity on the applicant's part, the application shall be considered void.

Applications for encroachments not allowed under this document shall be verbally denied by the District Engineer. If the applicant insists on proceeding with the application, the non-refundable fee shall be accepted, a permit denial issued, and the appeal process commenced (see [section 3.19, Appeals](#)).

All requests shall be reviewed for possible negative impacts on safety, highway operation and capacity, and the environment. Action zones (i.e., transitions, merging, acceleration-deceleration, weaving, high decision areas) need to be carefully analyzed to see if safe approaches or other encroachments should exist.

The Department may require an appraisal for a proposed encroachment when access control has been acquired. (see [section 3.10, Appraisals](#)).

If a conflict exists between the proposed encroachment and existing utilities or other facilities within the State highway right-of-way or with a State highway project, the permit application will be placed on hold until such conflicts are resolved.

Approaches and Other Encroachments:

Applications for the installation, modification in design or use, relocation, replacement, or removal of any encroachment within the State highway right-of-way (other than a utility) shall include a completed *Right-of-Way Encroachment Application and Permit – Approaches or Public Streets (ITD-2109)* or *Right-of-Way Encroachment Application and Permit for Other Encroachments (ITD-2111)*, along with all required attachments necessary to review and process the application. Normal maintenance that does not interfere with traffic operations or create a safety hazard will not require a permit.

Only the owner(s) of property(ies) abutting the State highway right-of-way, or their designated representative, can legally apply for access. **Properties not abutting the State highway right-of-way may not apply for access** unless a legal agreement for access and joint-use with the owner of an abutting property is recorded with the County Recorder **prior** to submitting an application for access to the State highway right-of-way.

Applications for a joint-use approach that serves two or more abutting properties that share common boundary lines shall require a legal access agreement for joint-use that is recorded with the County Recorder **prior** to submitting the application.

All easement agreements for access to the State highway right-of-way shall be signed by all parties of the access agreement and recorded with the County Recorder. A copy of the recorded access agreement shall be given to the Department at the time of application submittal. All property owners shall be required to sign the application for access, and all will be held equally responsible for any and all permit requirements.

3.8 Applications for Temporary Encroachments

Applications for temporary encroachments within State highway rights-of-way shall abide by the same permitting process and application fee structure as those required for permanent encroachments with the exception that an encroachment expiration date will be included in the permit special provisions. The effective time period for the permit shall not exceed one (1) calendar year. If additional encroachment time is required, a new application shall be processed at the expiration of the existing permit. All temporary encroachments shall be removed within ten (10) days following the expiration of the permit.

3.9 Applications for Approaches

Any access (new or additional approaches, or the modification in design or use, relocation, or removal of existing approaches) on the State Highway System may be submitted for approval. All approaches shall require an approved State highway right-of-way use permit ([ITD-2109](#)) and shall meet all access control requirements that correspond to the current functional classification for the State highway in the affected area.

Applications for an approach to a property that abuts the State highway, but has no existing access, shall follow all applicable guidelines of these standards and procedures and any additional requirements as directed by the Engineer. All approaches shall be designed to adequately serve the needs of the property and the anticipated volume of vehicles. Normally not more than two (2) approaches should be provided to any single property tract or business establishment frontage. Approaches shall be considered per total development, regardless of the number of individual parcels it contains.

3.9.1 New Approaches

Requests for new approaches on the State Highway System may be permitted, but direct access to the State Highway System is not guaranteed. Applications for new approaches shall be submitted by the owner(s) or authorized representative of property abutting the State highway right-of-way.

When permitting new approaches the maximum number of approaches should be addressed and the number of approaches reduced to a minimum. This can be accomplished through the use of frontage roads, joint use approaches, approaches serving more than one property or the elimination of unnecessary approaches. This would include all existing approaches plus any additional approaches. Minimum spacing standards must meet requirements stated in this document. See [TABLE 4.5.1.1 MINIMUM INTERSECTION, APPROACH AND SIGNAL SPACING](#)

All requests for new approaches on the State Highway System shall require an evaluation of:

- Current access control records:

A close review of the existing deed for restrictive covenants will be required with special attention to phrases such as “This approach is for farm access only, and if at any time in the future the property is sold, all rights of access will be extinguished”. All requests should be evaluated using current functional classification and existing access control documents. **Highway plans shall not be used to verify access control type.**

- Impacts on safety and capacity:

Requests shall be reviewed for possible negative impacts on safety and highway capacity. Action zones (i.e., transitions, merging, acceleration-deceleration, weaving, high decision areas) need to be carefully analyzed to see if the addition of a new approach would have an adverse effect on the safety or capacity of the State highway.

- An assessment of environmental impacts;
- The need for an appraisal of the value of access on property where the State has acquired the right of access; and
- FHWA concurrence (if federal funding was involved to acquire access or the physical construction costs of a State highway project) on the NHS.

3.9.2 Approaches in New Highway Construction

Applications ([ITD-2109](#)) for any new or additional approach, or the modification in design or use, relocation, or removal of an existing approach requested within a State highway construction project shall be processed by the Resident Engineer in charge of the project, in accordance with the Department’s Contract Administration Manual.

The Resident Engineer shall be responsible for obtaining a permit number from the District permit person before completing and submitting the [ITD-2109](#), together with all related documentation (i.e. roadway plans, etc.), to the District permit person for review and final approval by the District Engineer. If final approval is given, the original permit and all accompanying documentation will be returned to the Resident Engineer within **seven (7) working days**. The District permit person shall make a duplicate copy of the [ITD-2109](#) to record the permit number, project number, and type of work prior to returning the original to the Resident Engineer. The duplicate [ITD-2109](#) should reference the location of the original [ITD-2109](#) within the project files. It will be the Resident Engineer’s responsibility to have the [ITD-2109](#) and related documentation placed into the project files within **30 working days** of the completion of the State highway construction project.

SPECIAL NOTE:

An existing access allowed to remain during a highway project that does not meet criteria for the newly established access control type, must be documented on the access control determination form [ITD-0606](#), right-of-way documents and the “As Constructed” plans. Any existing access removed during a highway project shall be documented on the right-of-way documents and the “As Constructed” plans.

During construction projects when approaches are either added or removed, the maximum number of approaches should be addressed and the number of approaches reduced to a minimum. This can be accomplished through the use of frontage roads, joint use approaches or the elimination of unnecessary approaches. This would include all existing approaches plus any additional approaches. Minimum spacing standards must meet requirements stated in this document; however simply meeting minimum spacing requirements does not guarantee an access will be granted. See [TABLE 4.5.1.1 MINIMUM INTERSECTION, APPROACH AND SIGNAL SPACING](#)

A new property deed showing the access by specific size, use type, and highway station may be required and should normally be completed by the Headquarters’ Right-of-Way section following right-of-way negotiations with the property owners. The Right-of-Way agent should include appropriate Traffic and Roadway Design personnel in the preliminary stages of negotiation to make all parties aware of the specific project requirements (see section [3.10, Appraisals](#)).

3.9.3 Modifications to Existing Approaches

Applications ([ITD-2109](#)) for the modification in design or use to approaches abutting the State highway right-of-way shall be submitted by the owner(s), or their authorized representative.

An approved permit shall be required to modify the construction or design, or change the use of an existing approach within the State highway right-of-way. Modifications of approach construction or design shall include, but not be limited to, width, grade, surface type, landscaping, and drainage. Change in use of an approach shall include, but not be limited to, changes from a farm approach to a residential or commercial approach or changes from a single-family residential approach to a multiple-family residential (subdivision) or commercial approach.

All requests to modify the construction or design, or change the use of an existing approach on the State Highway System shall require an evaluation of:

- Current access control records:

A close review of the existing deed for restrictive covenants will be required with special attention to phrases such as “This approach is for farm access only, and if at any time in the future the property is sold, all rights of access will be

extinguished”. All requests should be evaluated using current functional classification and existing access control documents. **Highway plans shall not be used as the sole means of verifying access control type.**

- Safety and capacity:

Requests shall be reviewed for possible negative impacts on safety and highway capacity. Action zones (i.e., transitions, merging, acceleration-deceleration, weaving, high decision areas) need to be carefully analyzed to see if the modification in design or use to an approach would have an adverse effect on the safety or capacity of the State highway.

- An assessment of environmental impacts;
- An appraisal of value of access on property where the State has acquired the right of access; and
- FHWA concurrence (if federal funding was involved to acquire access or the physical construction costs of a State highway project) on the NHS.

SPECIAL NOTE:

Applications for modifications to existing approaches located within the State highway right-of-way where access control was acquired by the Department (that will not compromise the quality of traffic service for the public), shall be reviewed and/or appraised to determine what, if any, reimbursement would be required from the permittee for the modification. If such a modification in design or use does not increase the value of the property or have negative impacts on safety, highway capacity, and the environment, a State highway right-of-way encroachment permit may be issued without the requirement of an appraisal. In this case, only a new legal document of title (exchange deed) is required. However, if such modification in design or use of an existing approach could result in an increase in property value, an appraisal shall be required (see section 3.10, [Appraisals](#)).

3.9.4 Relocation of Existing Approaches

Requests for relocation of approaches to property abutting the State highway right-of-way shall be submitted by the owner(s), or their authorized representative. A permit to encroach within the State highway right-of-way shall be required to relocate an existing approach.

All requests for the relocation of approaches on the State Highway System shall require an evaluation of:

- Current access control records:

A close review of the existing deed for restrictive covenants will be required with special attention to phrases such as “This approach is for farm access only, and if at any time in the future the property is sold, all rights of access will be extinguished”. All requests should be evaluated using current functional classification and existing access control documents. **Highway plans shall not be used as the sole means of verifying access control type.**

- Safety and capacity:

Requests shall be reviewed for possible negative impacts on safety and highway capacity. Action zones (i.e. transitions, merging, acceleration-deceleration, weaving, decision areas) need to be carefully analyzed to see if the relocation of an approach would have an adverse effect on the safety or capacity of the State highway;

- An assessment of environmental impacts;
- An appraisal of value of access on property where the State has acquired the right of access;
- FHWA concurrence (if federal funding was involved to acquire access or the physical construction costs of a State highway project) on the NHS.
- New Exchange Deed showing the access by specific size, use type, and highway station.

3.9.5 Additional Approaches

Applications for additional approaches to property abutting the State highway right-of-way shall be submitted by property owner(s), or their authorized representative. All approaches shall be designed to adequately serve the needs of the property and the anticipated volume of vehicles. . Approaches shall be considered per total development, regardless of the number of individual parcels it contains.

When permitting approaches the maximum number of approaches should be addressed and the number of approaches reduced to a minimum. This can be accomplished through the use of frontage roads, joint use approaches or the elimination of unnecessary approaches. This would include all existing approaches plus any additional approaches. Minimum spacing standards must meet requirements stated in this document; however simply meeting minimum spacing requirements does not guarantee an access will be granted. See [TABLE 4.5.1.1 MINIMUM INTERSECTION, APPROACH AND SIGNAL SPACING](#)

All requests for additional approaches on the State Highway System shall require an evaluation of:

- Current access control records:

A close review of the existing deed for restrictive covenants will be required with special attention to phrases such as “This approach is for farm access only, and if at any time in the future the property is sold, all rights of access will be extinguished”. All requests should be evaluated using current functional classification and existing access control documents. **Highway plans shall not be used as the sole means of verifying access control type.**

- Safety and capacity:

Requests shall be reviewed for possible negative impacts on safety and highway capacity. Action zones (i.e., transitions, merging, acceleration-deceleration, weaving, high decision areas) need to be carefully analyzed to see if additional approaches would have an adverse effect on the safety or capacity of the State highway.

- An assessment of environmental impacts;
- An appraisal of value of access on property where the State has acquired the right of access;
- FHWA concurrence (if federal funding was involved to acquire access or the physical construction costs of a State highway project) on the NHS.
- If current access is recorded in deed a new Exchange Deed showing the access by specific size, use type, and highway station.

3.9.6 Removal of Approaches

The removal of existing deeded approaches shall require an approved State highway right-of-way encroachment permit ([ITD-2109](#)). A new correction deed that references the original legal document of title in which access rights were removed shall be prepared and recorded.

During construction projects or when permitting approaches, the maximum number of approaches should be addressed and the number of approaches reduced to a minimum. This can be accomplished through the use of frontage roads, joint use approaches or the elimination of unnecessary approaches. This would include all existing approaches plus any additional approaches. Minimum spacing standards must meet requirements stated in this document; however simply meeting minimum spacing requirements does not guarantee an access will be granted. See [TABLE 4.5.1.1 MINIMUM INTERSECTION, APPROACH AND SIGNAL SPACING](#).

Illegal approaches shall be removed and a review conducted of all approaches on a section of roadway whenever roadway construction takes place. Thorough documentation review should be conducted prior to any negotiation with property owners to eliminate the possibility of illegal approaches being allowed to remain or property owners being unjustly compensated for accesses they do not own.

3.10 Appraisals

An appraisal will be required whenever it is determined by the Department that a change in access creates an associated increase in property value for the effected parcel(s) and one or more of the following conditions apply: Where access control was placed on the highway(s) through the purchase of access rights by the Department that are documented by deed OR where access control restrictions have been placed on a highway with the expenditure of Title 23 Federal Funds or where access control restrictions are placed through the completion of an environmental document, the purchase of access control or the use of Title 23 Federal Funds during any phase of roadway construction, including design. For the purposes of this document roadway construction shall be defined as the initial construction or reconstruction of a roadway or the realignment of an existing roadway, excluding maintenance. Federal Highway Administration approval is required for all appraisals on either the Interstate or National Highway System (NHS).

The Department may allow a change in access without an appraisal, when Title 23 Federal Funds are not involved OR with FHWA concurrence when the associated changes improve the operation or safety of the highway or are shown to be in the overall public interest for social, environmental, or economic purposes; nonproprietary governmental use; or uses under [Title 23 United States Code](#).

Individuals, organizations, and all public or governmental entities that apply for a change in access on the State Highway System shall be responsible for all fees incurred for the completion of the appraisal report. Appraisal costs, in addition to the fees of an authorized appraiser and appraisal reviewer, may include loaded rate wages, travel, subsistence, and other Department costs associated with the appraisal process.

Appraisals to determine fair market value of a parcel(s) will be coordinated by Headquarters Right-of-Way and shall be conducted by a State-approved fee appraiser or staff appraiser in accordance with Department procedures.

When a change in access to a parcel(s) results in an increase in the overall fair market value of that parcel(s), the applicant shall be required to compensate the Department in an amount equal to that increase in value or an agreed upon value which may include those listed in the table of [Administrative Policy A-03-03](#) or an agreed amount of highway improvements which negate the impacts to operation and safety by the associated change in access. Appraisals, when required, shall determine the fair market value for all parcels in a development, including those parcels affected by the change in access that may not abut the highway.

If the applicant disagrees with the appraised value, another appraisal may be ordered as outlined above at the applicant's expense. The Department's Review Appraiser will then review both appraisals according to the current Department and industry standards and determine the appropriate value.

3.11 Utility Encroachments

The ITD District office shall complete all applications for utility permits, **with the exception of permits for longitudinal placement within full control of access**. They should address requirements associated with traffic control, dust control, site reclamation, environmental protection, and work site safety. Final utility locations shall be identified on the appropriate roadway and bridge plans.

Full Control of Access—All longitudinal placement of utility encroachments are prohibited in areas of full control of access (Type V), with the exception of Fiber Optic Telecommunications Cable as addressed in the [1996 Telecommunications Act](#) and the special provisions of a permit approved by the Department for Fiber Optic Telecommunications installations. All utility permits for longitudinal placement within full control of access shall be limited to Fiber Optic Telecommunications Cable and shall require processing by Headquarters' Right of Way in conjunction with the District and final approval by both the Chief Engineer and FHWA.

All utility encroachments, including new utility installations and the relocation, maintenance, modification, or removal of existing utility facilities shall require an approved State highway right-of-way encroachment permit prior to initiation of the work. Permits for the maintenance and emergency repair of existing facilities are discussed below.

Each *Right-of-Way Encroachment Application and Permit – Utilities (ITD-2110)* shall include a current traffic control plan. Permits for multiple-highway operations may be approved following a review of traffic control plans. Service and maintenance of utility facilities located within the State highway right-of-way will be conducted with due consideration for the safety and convenience of the traveling public.

Utility encroachments on State highway rights-of-way shall conform to the [IDAPA 39.03.43, “Rules Governing Utilities on State Highway Right-of-Way”](#) and the associated policies referenced within. This Rule applies to all new utility installations, to existing utility facilities to be retained, relocated, or maintained, and to the relocation or removal of utility facilities which are found to constitute a definite hazard to the traveling public on all rights-of-way under the jurisdiction of the Department. The publication “Utility Accommodation Policy” specifies the additional requirements for the accommodation of utilities. A copy of this policy is published in the ITD [GUM - Guide for Utility Management](#) and is available upon request at any District office.

If a permanent boundary survey marker is disturbed during the performance of work associated with an approved encroachment permit, the permittee shall be held responsible for obtaining the services of a professional land surveyor licensed in the state of Idaho to replace the permanent boundary survey marker to its proper location as determined by the Department. The permittee shall be held responsible for any and all costs associated with repairing, replacing, or relocating the permanent boundary survey marker. This shall include but not be limited to compensation based on actual cost to the Department for any and all costs incurred by the Department in having the permanent boundary marker repaired, replaced or relocated. In addition the permittee may be held liable under [Idaho](#)

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3.11.1 Applications for Utilities - Not Affected by Highway Construction

Applications for all utility work within the State highway right-of-way NOT included in a State highway construction project (with the exception of maintenance and emergency repair of existing facilities) shall be filed using a completed *Right-of-Way Encroachment Application and Permit – Utilities (ITD-2110)*, along with all required attachments necessary to review and process the application.

3.11.2 Applications for Utilities - In New Highway Construction

Any new installation, modification, removal, or relocation or change in number of utilities associated with NEW HIGHWAY CONSTRUCTION shall be processed in accordance with the Department’s Contract Administration Manual. All utility work completed within a State highway construction project shall be addressed by the Resident Engineer in charge of the project on the highway construction plans and in project documentation.

The Resident Engineer shall be responsible for obtaining a permit number from the District permit person.

3.11.3 Maintenance & Emergency Repair of Existing Facilities

All maintenance or emergency repairs shall require a permit for work within the State highway right-of-way. At the Department’s discretion, a **NO-CHARGE** permit (*ITD-2110*) may be issued to a utility to cover all maintenance and emergency repair activities within a Department district. The effective time period for the permit shall not exceed one (1) calendar year.

Prior to the issuance of a maintenance or emergency repair permit, the District Engineer shall be required to meet annually with the utility. This meeting shall be used to discuss the work, facility, and roadway types to be included in the permit within a District. This meeting shall also be used to update any traffic control plans, special provisions, and related issues.

The utility shall design and submit for Department approval a series of typical traffic control plans to accommodate utility work under maintenance or emergency conditions. The issuance of a maintenance and emergency repair permit shall require the implementation of such approved traffic control plans.

The utility’s traffic control plans shall be required to meet the minimum requirements of the latest edition of the *Manual on Uniform Traffic Control Devices (MUTCD)*, as adopted by the State. All flaggers on the State Highway System shall be certified in, or recognized by, the State of Idaho. All traffic control devices used on the State Highway System shall comply with the current FHWA crash criteria.

The maintenance or emergency repair permit and the accompanying traffic control plans shall stay in force until the specified expiration date is reached unless cancelled or updated by the Department. It shall be the utility's responsibility to renew the permit on a yearly basis. Renewal requires the applicant to review and update the maintenance and emergency repair permit application and the accompanying traffic control plans as needed. The maintenance or emergency repair permit is subject to cancellation by the Department if for any reason it is found that the utility has not complied with the requirements of these standards and procedures.

Whenever maintenance or emergency repairs involve the travel lanes or are expected to either stop or delay the traveling public, the utility shall be required, when practical, to give advance notification to the Department by either calling the phone number listed on the permit, an after-hours dispatch, or the maintenance office that oversees the affected State highway. If prior notification cannot be given, the utility shall be required to notify the Department during the next working day after the maintenance or emergency work has taken place.

The Department should keep a log of those calls. The log shall contain the following information: utility name, utility type, contact person, location of facility (i.e. route, milepost, offset, etc.), a description of the actual work, and the date and time that the work took place. This log shall be used to document utility work in the event of accidents or complaints (i.e. problems with traffic control, unreasonable delays, improper compaction, damage to vehicles, property, or vegetation, disturbed right-of-way monuments, etc.).

3.12 Applications for Other Encroachments

All city improvement projects and miscellaneous encroachments not specifically discussed in previous sections, excluding authorized uses of the State highway traveled way, shall require an approved State highway right-of-way encroachment permit (ITD-2111). Permits shall be required for all new installations and the relocation, maintenance, modification in design or use, or removal of existing installations prior to initiation of the work.

Portable objects or signs, memorials, urban improvements, landscaping, farming, irrigation or drainage, mailbox stands or turnouts, recreational parking facilities, park-and-ride lots, and school bus turnouts shall have an approved State highway encroachment permit. Permanent, temporary, or mobile structures, manned or unmanned, or the storage of materials, equipment, or supplies not included in an approved State highway encroachment permit or approved as part of a Department construction project shall not be allowed within the State highway right-of-way. Displays shall not be placed within State highway right-of-way on structures, trees, rocks, or utility poles, except that election posters/materials may be affixed to private fences bordering the highway right-of-way and to utility poles bordering or within the highway right-of-way when written permission is obtained from the owners of such fences or utility poles ([Section 18-7029, Idaho Code](#) and [Administrative Policy A-12-01](#)).

In the event a permit application conflicts with any provision of the Beautification of Highways Act of 1966, [Idaho Code Section 40, Chapter 19](#), the beautification provisions shall apply.

If a permanent boundary survey marker is disturbed during the performance of work associated with an approved encroachment permit, the permittee shall be held responsible for obtaining the services of a professional land surveyor licensed in the state of Idaho to replace the permanent boundary survey marker to its proper location as determined by the Department. The permittee shall be held responsible for any and all costs associated with repairing, replacing, or relocating the permanent boundary survey marker. This shall include but not be limited to compensation based on actual cost to the Department for any and all costs incurred by the Department in having the permanent boundary marker repaired, replaced or relocated. In addition the permittee may be held liable under [Idaho Code 54-1234](#). MONUMENTATION – PENALTY AND LIABILITY FOR DEFACING

3.12.1 Temporary Signs, Banners and Decorations

Temporary signs, banners, and decorations for community events may be allowed within State highway rights-of-way provided that an *Right-of-Way Encroachment Application and Permit - Approaches and Other Encroachments (ITD-2111)* is received from the community and is approved by the District Engineer. If the temporary signs, banners, or decorations are in conjunction with a special event that involves the use of the traveled way, refer to section [1.3.3, Special Events on State Highways](#).

Displays shall not be permitted in locations that interfere with the safety of the State highway or the visibility and effectiveness of traffic control devices. The District may conduct a study to assist local officials in determining the placement of temporary signs to guide motorists to and from event sites. Permits should address the installation, removal, and allowed time period for each encroachment (see [3.8, Applications for Temporary Encroachments](#)).

3.12.2 Benches, Planters, and Other Structures

District Engineers are authorized to enter into a cooperative agreement with a local government allowing highway fixtures including, but not limited to, benches, planters, and other fixtures on city sidewalks or other designated areas within the State highway right-of-way. This is only allowed when the State highway has been functionally classified as urban and the following conditions are met:

- The structure does not constitute a safety hazard, form a wall, impede the sight distance of vehicles using the State highway, provide support for a building, obstruct crosswalks or wheelchair ramps, or force pedestrians into the road by the structure's placement. (See section [4.5.6, Setback and Sight Distance](#).)
- A minimum distance of 8 feet from the face of the curb to the property line is desirable. The structure, including protrusions and overhangs, shall be a minimum

of 18 inches behind the face of the curb. Furthermore, when the structure is in a sidewalk area, at least 5 feet of unobstructed space shall be available for pedestrians; or as an alternative, the spacing shall meet all Americans with Disabilities Act and local government-approved standards.

- The structure shall not bear markings or signs that resemble official traffic control devices, nor contain advertising in violation of any local, state or federal regulation.
- The local authority assumes full responsibility and liability for administering the use, placement, and maintenance of the sidewalk space and structures contained thereon.
- The local authority agrees to indemnify, defend regardless of the outcome, and hold harmless, the Idaho Transportation Department from all occurrences resulting in damage to property, injury, or loss of life related to placement of the structure within State highway rights-of-way within the boundaries of the local jurisdiction.

If the local government does not properly enforce the conditions of the agreement, the District Engineer shall inform the local authority that the Department will enforce the conditions of the agreement at local authority expense.

3.12.3 Overhanging Displays, Canopies, and Marquees

District Engineers may approve permits ([ITD-2111](#)) to encroach within State highway rights-of-way for overhanging displays, canopies, and marquees. These are only allowed when the State highway has been functionally classified as urban and the following conditions are met:

- The encroachment does not constitute a safety hazard, form a wall, impede the sight distance of vehicles using the State highway, provide support for a building, obstruct crosswalks or wheelchair ramps, or force pedestrians into the road by the structure's placement (see section [4.5.6, Setback and Sight Distance](#)).
- In a curb section, the encroachment does not extend closer than 18 inches behind the face of the curb. In a non-curb section, encroachments supported by a building do not extend more than 12 inches into the highway right-of-way.
- Signs or displays shall be no lower than 12 feet above the sidewalk or ground level. Canopies and marquees shall be no lower than 8 feet above the sidewalk or ground level.
- The encroachment does not resemble, hide, or, because of the color or lighting, interfere with the effectiveness of traffic signals or other traffic control devices. Illuminated displays that simulate or can be confused with traffic signals shall not be permitted.

- The overhanging display, canopy or marquee does not include any outdoor advertising unless specifically related to business name or on premise activity. Advertising in violation of any local, state or federal regulation is prohibited.

All encroachments shall conform to local building and/or zoning ordinances, except that the minimum clearance requirements stated previously shall be met. Signs and marquees should be maintained in a neat appearing and structurally safe condition at all times. Existing signs or marquees suspended or projected over any portion of State highway right-of-way that constitute a hazard shall be immediately repaired or removed.

3.12.4 Landscaping, Farming, & Irrigation

District Engineers may approve State highway right-of-way encroachment permits ([ITD-2111](#)) for landscaping, farming, and/or irrigation (see section [5.2, Landscaping, Farming, & Associated Irrigation](#)).

Prior to permit approval, the District Engineer shall contact all affected utilities to avoid conflicts with existing and proposed facilities. Should conflicts exist, the permittee shall make adjustments to the encroachment or have the permit revoked.

3.12.5 Recreational Parking & Park-and-Ride Lots

District Engineers may approve permits ([ITD-2111](#)) for other governmental agencies to encroach within State highway rights-of-way for recreational parking or park-and-ride lots. Applications for permits to encroach within State highway rights-of-way for recreational parking or park-and-ride lots not covered under an interagency cooperative agreement shall comply with all applicable sections of this manual including, but not limited to, the permit process and all location and design standards. See [sections IV](#) and [V](#) for design requirements.

3.12.6 Mailbox & School Bus Turnouts

District Engineers may approve permits ([ITD-2111](#)) for mailbox or school bus turnouts within State highway rights-of-way. All turnouts shall comply with all applicable sections of this manual, including but not limited to, the permit process and all location and design standards (see section [5.4, Mailbox & School Bus Turnouts](#)).

3.13 Final Review Process

The review process commences on the day the applicant signs the application and makes payment of the initial application fees. Each District shall establish and maintain a tracking system to ensure the timely progression of each stage of the approval process. The District, the affected local highway agency and the local planning agency may conduct a group review of each application that affects the local jurisdictions in order to facilitate and expedite the input process.

The time required to complete the application review process may be affected by the type of application, the documentation furnished by the applicant, as well as the type of access control. The review process for encroachments within State highway rights-of-way where an appraisal is required will require additional review by the HOSE and the Chief Engineer.

If at any time the District Engineer or HOSE determines that there is insufficient documentation to process the application, it will be placed on hold until such documentation has been received.

Ownership of the property in question may change during the encroachment permit process. If such is the case the new owner will be required to provide a copy of the new deed and a letter authorizing the current permit holder to act on their behalf to finalize the changes in access. If these are not acquired by the Department the permit process will be required to start again under the new ownership.

The District and any affected local highway or planning agency should review each application for right-of-way encroachments to ensure that:

- The requirements of each functional highway class and access control type are met.
- All of the provisions established under these standards and procedures are met or a variance of these standards and procedures has been addressed.
- Impacts to the operational efficiency and safety of the State highway are addressed.
- All conflicts with existing and proposed facilities and projects, whether public or private, have been addressed.
- Alternative means of access have been identified for operationally unsafe approaches or other encroachments.
- All approaches are designed to adequately serve the needs of the property and the anticipated volume of vehicles.
- New approach applications meet the stipulations shown on the property deed. If a determination is made that access rights have been acquired by the Department, the application process shall follow section 3.15, regardless of access control type.
- All environmental impacts have been addressed.
- Long-range (20-year) planning goals have been addressed.

All applications should address requirements associated with traffic control, dust control, site reclamation, environmental protection, and work site safety.

If after final review it is determined by the District that the application package is complete, a decision should be rendered based upon the type of access and conditions of the request.

3.14 Approval / Denial Process – Type I - IV Access

EMERGENCY APPROVAL -- Approval may be given by the DISTRICT ENGINEER in advance of processing the permit for emergencies that effect highway operations and motorist safety.

NORMAL APPROVAL – If upon receipt of an application and all supporting documents, the DISTRICT makes a determination of permit approval the applicant will be notified along with the affected local highway agency and the original approved permit and all supporting documents will be returned to the applicant.

NOTE: The DISTRICTS may approve VARIANCES under conditions for which the CHIEF ENGINEER has given them APPROVAL AUTHORITY.

When an application is approved, a copy of the permit and all pertinent documents should also be forwarded to the appropriate DISTRICT MAINTENANCE FOREMAN. A complete copy of the permit package shall be retained in the District permit office files.

PERMIT ACCEPTANCE -- In accepting a permit that has been given FINAL APPROVAL by the DEPARTMENT, the PERMITTEE, their successors and assigns, shall agree to hold the DEPARTMENT harmless from any liability caused by the installation, construction, removal, maintenance, or operation of the encroachment(s) and/or approach(es).

DENIALS – A permit must be denied by the DISTRICT if the requested change in access does not meet the requirements of the Department’s Standards and Procedures for Access or when the DISTRICT wants to recommend a VARIANCE to policy, but doesn’t have APPROVAL AUTHORITY from the CHIEF ENGINEER for the changes in access.

The DISTRICTS should process DENIALS by using one of the two following methods:

- **RECOMMEND A VARIANCE** -- A variance that must be approved by the CHIEF ENGINEER is considered to be a DENIAL of a request for change in access because it doesn’t meet the Department standards and procedures for encroachments without modification. If the DISTRICT feels that the requested change in access would be of benefit to the Department and the highway user, they should include their reasons for recommending approval of a variance to access standards and submit the permit package directly to the HOSE using the appeal process in 3.19 Appeals.
- **NOT RECOMMENDING A VARIANCE** -- When an application is denied by the Department, the DEPARTMENT will notify the APPLICANT and return the original denied permit and all supporting documents to the APPLICANT. A

certified letter of denial shall accompany all denied permits. Denied applicants interested in appealing should refer to section 3.19, Appeals.

3.15 Approval / Denial Process –Type V Access

Upon receipt of an application and all supporting documents, the DISTRICT will make a determination of whether the permit package is complete and if not request additional information from the applicant. Once the permit package is complete the DISTRICT will make the determination of whether to forward the permit for FHWA approval/denial.

The DISTRICT must forward the permit package along with their recommendation to the HOSE whenever the permit is for a change in access on State Highways with Type V access control.

The FHWA has the FINAL approval/denial authority over all changes to access in TYPE V access control. All requests for changes in TYPE V access control forwarded to the HOSE for submission to FHWA must include a cover letter with the DISTRICT'S recommendation for approval/denial.

Once the permit package is forwarded to the HOSE, if it is determined that the DISTRICT submitted the permit package with insufficient documentation, a memo will be drafted by the HOSE informing the DISTRICT that the permit will be placed on hold until the additional documentation is supplied. The memo will include what documentation is needed. A certified letter will also be sent by the HOSE to the APPLICANT placing the permit on hold. The permit process will continue once the information is received from the DISTRICT and another certified letter will be sent to the applicant restarting the permit process.

The **HOSE** will continue the permit process using the following procedures:

1. **RECOMMENDED APPROVAL TYPE V ACCESS** – Prepare the complete permit package for the CHIEF ENGINEER'S review and if the CHIEF ENGINEER'S recommendation is for approval; forward the permit, all documentation, and a letter of recommendation to the FHWA – Idaho Division requesting their approval of the change in access. A letter will also be sent to the APPLICANT letting them know that the permit has been submitted to the FHWA for their review and decision.

FHWA DECISION -- The FHWA will review the permit package, consider the Department's recommendation and provide their decision in writing to the Department.

2. **RECOMMENDED DENIAL TYPE V ACCESS** – Prepare the complete permit package for the Chief Engineer's review and if the Chief Engineer's recommendation is for denial; forward the permit, all documentation, and a letter

of recommendation to the FHWA – Idaho Division requesting their denial of the change in access. A letter will also be sent to the applicant letting them know that the permit has been submitted to the FHWA for their review and decision.

FHWA DECISION -- The FHWA will review the permit package, consider the Department's recommendation and provide their decision in writing to the Department.

3. **APPRAISALS** -- Review the complete permit package and forward the permit, all documentation, and a letter of recommendation to the HEADQUARTERS RIGHT OF WAY SECTION for appraisal. The HEADQUARTERS RIGHT OF WAY SECTION will review the permit package, schedule an appraisal to determine a before and after market value of the parcel addressed in the permit package. The results of the appraisal will be returned to the HOSE.
4. **APPROVED PERMIT OR COMPLETED APPRAISAL** -- An approved permit or completed appraisal, along with the original permit package, will be returned by the HOSE to the DISTRICT for final processing. The HOSE also will send a letter to the APPLICANT informing them of the approval or appraisal completion and that the permit package was sent to the DISTRICT for final processing. Upon receiving the permit package from the HOSE, the DISTRICT should contact the APPLICANT to finalize the permit. All original documents, including special provisions, standard drawings, and permit requirements should be given to the APPLICANT when the reimbursement for changes in access is paid and the permit is FINALIZED in DEED.

The DISTRICT shall send a copy of the permit and all pertinent documents to the appropriate DISTRICT MAINTENANCE FOREMAN, and retain a complete copy of the permit package in the permit office files.

5. **PERMIT ACCEPTANCE** -- In accepting a permit that has been given FINAL APPROVAL by the DEPARTMENT, the PERMITTEE, their successors and assigns, shall agree to hold the DEPARTMENT harmless from any liability caused by the installation, construction, removal, maintenance, or operation of the encroachment(s) and/or approach(es).
6. **DENIED PERMIT** -- A denied permit, along with the original permit package, will be returned by the HOSE to the applicant. The HOSE also will send a cover letter to the applicant informing them of the FHWA's decision and the reasons for denial. FHWA's decision is FINAL and because they are the final authority over TYPE V access there is NO APPEAL of their decision.

3.15.1 Approval / Denial Process – Appraisal Required

Upon receipt of an application and all supporting documents, the DISTRICT will make a determination of whether the permit package is complete and if not request additional information from the applicant. Once the permit package is complete the DISTRICT will make the determination of whether an appraisal will be required if the permit is in an area where the purchase of access control by the Department is documented in deed. The requirement of an appraisal should be determined by the DISTRICT, through the application of [Administrative Policy A-03-03](#).

1. **APPROVED PERMIT by DISTRICT** -- If the DISTRICT can approve the permit they should start the appraisal process by forwarding all necessary documentation to the HEADQUARTERS RIGHT OF WAY SECTION. The permit approval will not be finalized until the appraisal is complete and all fees are paid to the Department. Once all fees have been collected and deposited into the Department Highway Fund, the permit may be finalized and recorded in deed if required.
2. **APPROVED PERMIT by CHIEF ENGINEER OR FHWA** -- If the DISTRICT cannot approve the permit and must forward the permit to the HOSE for approval/denial process to be completed, they should address the fact that an appraisal will be required in their cover letter to the permit package. The permit will be processed following standard procedures for those permits that have been sent for CHIEF ENGINEER or FHWA approval/denial.

If a permit is approved, the HOSE, will submit the permit package to HEADQUARTERS RIGHT OF WAY SECTION for the appraisal process to be completed along with a cover letter instructing the HEADQUARTERS RIGHT OF WAY SECTION to work directly with DISTRICT personnel to complete the appraisal process.

3. **HEADQUARTERS RIGHT OF WAY SECTION** will review the permit package, schedule an appraisal to determine a before and after market value of the parcel addressed in the permit package. The results of the appraisal will be returned to the DISTRICT.

3.16 Variance Policy

A variance is considered to be a DENIAL of a request for change in access because it doesn't meet the Department standards and procedures for encroachments without modification. If the District recommends approval of a variance of access standards that are not within their approval authority, the permit must be denied and processed under the appeal process ([3.19 Appeals](#)). The following guidelines should be used to determine if a variance MAY be approved.

Access management standards and procedures set minimum requirements that should be met or exceeded under normal conditions. However, unique conditions can make the application of standards or policies impractical or impossible. The initial review of applications by the District and an affected local highway agency shall include consideration of Department standards and the practicability of allowing a variance to those standards. Thus, the District can consider variances when practicable.

A variance would be required if the District is recommending approval of an encroachment under the following circumstances:

- A proposed request for an approach or other permanent encroachment that does not meet ITD adopted access management standards or policies.
- A proposed access management treatment (such as, but not limited to, median treatments or grade-separated interchanges) does not meet ITD's adopted access management standards or policies.

Variances **SHALL NOT** cause a reduction in traffic safety, operational efficiency, or functional integrity of highway system. A more restrictive variance policy is in effect as the level of access control becomes more stringent.

A request for a variance **MAY** receive favorable consideration under the following conditions:

- A court order.
- If the variance offers an opportunity to accommodate a joint-use access serving two or more properties abutting the State highway.
- If the variance would improve traffic safety or operations.
- If the variance allows access to a parcel landlocked created prior to April 1, 2001 that has no reasonable alternative access and would not impose significant impacts to safety or traffic operations by allowing the change in access.
- If the variance is for the modification of an existing approach that would improve safety or operation of the highway in an area where restrictions are a result of the existence of obstructions that are unable to be relocated, such as bridges, waterways, parks, historic or archaeological areas, cemeteries, or unique natural features.
- If the variance reduces environmental impacts.
- If the Department determines that costs associated with a Traffic Impact Study can best be applied toward related safety improvements.

A request for a variance **MAY NOT** receive favorable consideration under the following conditions:

- If State highway right of way or access control has been purchased.
 - If options for meeting access management standards have not been considered or addressed.
 - If reasonable alternative access is available, which may include: joint-use, cross-access agreement or access to local roads.(Direct access to the State Highway system is not guaranteed.)
 - If the proposed variance does not meet the design standards of the ITD Design Manual and there are no reasonable grounds for a design exception.
 - If the variance would adversely affect traffic safety or operations.
 - If the variance would adversely affect local planning and zoning for future land development.
 - If the variance would adversely affect the environment.
 - If the variance is requested due to a hardship created by the landowner, business or a local governmental entity through planning or zoning restrictions. This includes but is not limited to landlocking of parcels, subdivision or partitioning of the property, conditions created by the proposed building footprint or location or on-site parking or circulation, or where the access management standards can be met but the result would be higher site development or construction costs.

Variances to signal spacing guidelines (see [section 4.5.1](#)) should be considered **only** if an Engineering Study or Traffic Impact Study documents show that a closer signal spacing meets the same operating requirements, that the signals could be operated with no significant delays to the major traffic flow, and shows that the variance would confer a benefit to the Department and a majority of the highway users on the State Highway System. The Engineering Study or Traffic Impact Study would be required to address not only current operations but also future operations with projected traffic volumes and recommended mitigation measures. See [Traffic Manual, Section 100, “Traffic Studies”](#) and Department document, [“Traffic Impact Study Requirements”](#).

If after consideration of Department standards and policies, a variance is recommended for approval by the District, the variance process would begin. A variance is administered using the appropriate processes for an appeal. [See 3.19 Appeals](#).

3.17 Permit Compliance & Expiration

At the time of permit issuance, the Department shall provide the permittee with current ITD Standard Drawings and special provisions as they relate to construction of an approach or other encroachment. The permittee shall be required to comply with all standard drawings, special provisions, and applicable sections of the standards and procedures contained herein.

The permittee shall provide the contractor, if utilized, a copy of the applicable permit(s) and all special provisions. The permittee or contractor shall keep a copy of this permit and special provisions at the work site at all times while work is in progress.

If work does not begin immediately, the permittee shall notify the District and any affected local highway agency **five (5) working days** prior to commencing any permitted work. All permitted work shall be completed and available for a final inspection by the Department within **thirty (30) days** after construction begins, unless otherwise stated in the special provisions of the permit.

When the permitted work is not completed within **one (1) year** of issuance of the permit, the permit shall be considered **VOID**. At the discretion of the District Engineer, a one-time extension, not to exceed **six (6) months**, may be granted if a written request is received from the permittee prior to the expiration date. If the extension expires before completion of the work, a new application shall be made including the applicable permit fee. If an extension is not granted, the applicant shall be notified in writing by the District and the applicant may appeal the decision as discussed in section [3.19, Appeals](#).

The effective time period for temporary permits shall not exceed **one (1) calendar year**. If additional encroachment time is required, a new application shall be processed at the expiration of the existing permit. All temporary encroachments shall be removed within **ten (10) days** following the expiration of the permit.

If a permanent boundary survey marker is disturbed during the performance of work associated with an approved encroachment permit, the permittee shall be held responsible for obtaining the services of a professional land surveyor licensed in the state of Idaho to replace the permanent boundary survey marker to its proper location as determined by the Department. The permittee shall be held responsible for any and all costs associated with repairing, replacing, or relocating the permanent boundary survey marker. This shall include but not be limited to compensation based on actual cost to the Department for any and all costs incurred by the Department in having the permanent boundary marker repaired, replaced or relocated. In addition the permittee may be held liable under [Idaho Code 54-1234. MONUMENTATION – PENALTY AND LIABILITY FOR DEFACING](#)

3.18 Unauthorized & Non-Standard Encroachments

Approaches and other encroachments on State highway rights-of-way that are installed without an approved State highway right-of-way permit, or not constructed in accordance with the ITD requirements as stated in the permit, are prohibited and will not be allowed to remain. Unauthorized and non-standard encroachments shall not be used until corrective action is taken (see section 1.4, [Prohibited Activities and Encroachments](#)). District Engineers shall ensure District compliance with all applicable laws and Department policies relating to the removal or correction of unauthorized and/or non-standard encroachments.

The Board, by and through the Chief Engineer, may consummate agreements with cities and villages whereby they may exercise their police powers on those matters relating to unauthorized and non-standard encroachments within their jurisdiction.

In accordance with [IDAPA 39.03.42](#), “Rules Governing Use of State Right-of-Way”, Administrative Policy [A-12-01](#), and [Idaho Code 40-2319](#), the following procedures shall be followed by each District (see section 1.4, [Prohibited Activities and Encroachments](#)):

- The area Maintenance Foreman shall identify and contact the owner of the unauthorized or non-standard encroachment to orally request a plan for immediate corrective action. The actions taken to locate and notify the owner shall be recorded in the Foreman’s diary. When notice is given, use form [DH-776](#) (see [Appendix B](#)).
 - When a permitted encroachment does not meet ITD construction standards, the permittee shall be given one (1) month to upgrade encroachment to the permit standards. Time extensions may be approved by the District Engineer. The one-month period may be shortened if an imminent or immediate threat to the safety of the traveling public is present. If the permittee does not comply, the permit shall be revoked and the encroachment removed.
 - Non-permitted encroachments are unauthorized shall not be allowed to remain without an approved right-of-way encroachment permit. The application process shall be initiated immediately, when applicable. If the encroachment is such that a permit cannot be approved, the encroachment shall be removed.
- Failure to remove the encroachment within **forty-eight (48) hours** shall be followed by a certified letter from the District Engineer requesting removal within **ten (10) days**. If the encroachment is still not removed, the District Engineer shall contact the Legal section to initiate legal action. The District Engineer may order District personnel to take immediate corrective action when time is of the essence.
- The applicant may be held liable for injury or damages caused by the unauthorized or non-standard encroachment. The Department shall make no reimbursement for removal of unauthorized or non-standard encroachments nor

shall compensation be made for any losses that may arise from their removal. The Department may initiate legal action to recover costs for the removal of unauthorized or non-standard encroachments.

3.19 Appeals

The appeals process as described in this section applies to TYPE I-IV access control ONLY. The FHWA has final decision authority for TYPE V access control and there is NO APPEAL of their FINAL decision.

The District must deny an application or request a variance to initiate the appeal process. During all steps of the appeal process, the applicant must be notified of decisions using certified mail.

APPLICANT APPEAL – Upon denial by the DISTRICT, the complete permit package should be sent back to the applicant along with the letter of denial. The letter should include the DISTRICT’S reasons for denial and information on the appeal process available to them. The applicant may then appeal the DISTRICT’S denial by writing a letter addressed to the CHIEF ENGINEER within **thirty (30) days** of receipt of notification of denial by giving the APPEAL LETTER and their APPEAL PACKAGE to the DISTRICT PERMITS OFFICE for presentation to the HOSE who will prepare it for the CHIEF ENGINEER’S review and decision. The DISTRICT should review any new information in the package with the APPELLANT and take the opportunity to verify that the appeal package is complete and provide their recommendations in a cover letter to the HOSE.

VARIANCE APPEAL -- The variance appeal package should be given to the HOSE for presentation to the CHIEF ENGINEER by the DISTRICT PERMITS OFFICE along with their recommendation of approval in a cover letter. Denials for variance are the ONLY time that a denied permit package should be sent directly to the HOSE.

The appeal process timelines to be followed are established by [IDAPA 39.03.42](#). The timelines officially commence on the date that notifications are received. The OHOS personnel will establish and maintain a tracking system to ensure the timely progression of each stage of the appeal process. Dates for completion of the various stages of appeal will be verified by certified mail keeping the appellant informed of where the appeal is in the process. The time required to complete each stage of the appeal process may be affected by the availability of documentation or personnel and is intended to establish a working guideline. Any delay in the appeal process will be documented and the appellant will be informed of the delay by certified mail. During review of the appeal by the HOSE and preparation for the Chief Engineer, the appellant, should be afforded the opportunity to provide additional information that they wish to have considered.

Initial Appeal Process:

Upon receipt of the complete appeal package, the HOSE will review and prepare it for the CHIEF ENGINEER’S review and decision. Once the permit package is received by the

HOSE, if it is determined that the DISTRICT submitted the permit package with insufficient documentation, a memo will be drafted informing the District that the permit will be placed on hold until the additional documentation is supplied. The memo will include what documentation is needed. The DISTRICT should expedite the provision of this documentation when required. A certified letter will also be sent to the applicant placing the permit on hold. The permit process will continue once the information is received from the DISTRICT and another certified letter will be sent to the applicant restarting the permit process.

The appellant will be offered an opportunity to meet with the HOSE to review the appeal and provide additional relevant information. The HOSE will schedule the meeting and inform the DISTRICT and local jurisdictions, if necessary, to provide them the opportunity to attend.

The HOSE will present the complete appeal package to the CHIEF ENGINEER who will then perform his own review and make his decision. Following a review and decision on the appeal, the CHIEF ENGINEER will ask the HOSE to notify the appellant as follows:

- DENIAL OVERTURNED -- The HOSE will notify the appellant by certified mail of the CHIEF ENGINEER'S decision to approve the encroachment. The original permit and a copy of the certified letter will be returned to the DISTRICT to finalize the permitting process.
- DENIAL UPHELD -- The HOSE will notify the appellant by certified mail of the CHIEF ENGINEER'S decision to deny the encroachment and return the original permit. A copy of the denial letter and the permit will be returned to the DISTRICT for their files.

Secondary Appeal Process:

If the appeal is denied, the appellant will be given the opportunity to continue the appeal by writing to the ITD LEGAL SECTION within **thirty (30) days** of receipt of the denial to continue the appeal in accordance with [Idaho Code Title 67, Chapter 52, Idaho Administrative Procedures Act \(IDAPA\)](#) in accordance with the Model Rules of Practice and Procedures of the Idaho Attorney General ([IDAPA 04.11.01](#)), et seq.), as applicable. If the appellant does not notify the ITD LEGAL SECTION within the required **thirty (30) days** following notification of denial the appeal process will stop and the decision rendered by the CHIEF ENGINEER will become final.

3.20 Deeds and Recorded Permits

The deed and encroachment permit processes start with the request by a property owner to do permitted work within the highway right of way that encompass changes in access. These changes are to be addressed in the encroachment permit and will require approval by the Department.

As highway conditions change, such as traffic volumes or speeds, so do the requirements for the allowance of access. When a permit is approved, the allowed uses and/or

restrictions specific to a parcel can be documented by deed or recorded permit, so that they run with the land and are apparent to any future property owners or prospective buyers.

PROOF OF OWNERSHIP -- Copies of the latest ownership deeds are required to be submitted for all affected properties by the property owner at the time of application submittal. Deeds dating back to earlier owners may be required if the current deed has language that references any restrictions, easements, etc. The District personnel should be able to find prior deeds in the Department files or by making a visit to the County Clerk's Office. Deeds are used to establish ownership and the right of the party to engage in discussions with the Department relevant to changes in access on a particular parcel. The property deed also serves to inform Department personnel of any prior restrictions to access which may have been recorded against the parcel.

LETTER OF AUTHORIZATION -- Owners may choose to provide a letter to the Department authorizing someone else to act on their behalf, but no action should be taken to make changes in access until both the letter and a signed permit application are received along with the appropriate administrative fees.

CHANGE IN OWNERSHIP -- Ownership of the property in question may change during the encroachment permit process. If such is the case the new owner will be required to provide a copy of the new deed and a letter authorizing the current permit holder to act on their behalf to finalize the changes in access. If these are not acquired by the Department the permit process will be required to start again under the new ownership.

EXCHANGE DEEDS REQUIRED -- [Idaho Administrative Code "I.D.A.P.A. 39.03.42 - RULES GOVERNING HIGHWAY RIGHT-OF-WAY ENCROACHMENTS ON STATE RIGHTS-OF-WAY", Section 300.04 "Deed Requirement"](#) requires that the Idaho Transportation Department (ITD) prepare new *exchange* deeds for relocation of existing approaches and additional approaches. The exchange deed must show accesses by specific highway station, approach width and specific use type. In the same manner, approaches that are removed from the State Highway System require a correction deed showing access rights removed that also references the original legal document of title. Other than the requirements of IDAPA, the requirement to record deeds as part of the ITD's access management standards and procedures is *optional*.

Although *optional*, it should be noted that recording of deeds has the potential to protect the ITD interests and the interests of property owners. Removal of access or restrictions placed on access may be included in a deed to make it clear to all Department personnel and any future owners of a parcel, what rights of access have been approved by the Department. The following are some examples of the type of restrictions that could be addressed:

- 1) Interim Access -- The parties to the permit agree that the direct connection to the State Highway System may be removed in the future when alternate access is provided to the parcel.
- 2) Approach Volumes – A predetermined maximum volume for an approach is specified which would require the parcel owner to come to the Department to make application for a change in use if the volume were being exceeded on a regular basis.
- 3) Use Type or Number – Restriction of the use of an approach to a specified number of single family residences and an increase in the number of single family residences could require the parcel owner to come to the Department to make application for a change in the number or Type if the conditions of the permit were being exceeded.

DEED RESTRICTIONS -- Recording of the allowances or restrictions to access will greatly enhance the Department's ability to administer corridor management in the future.

Deed allowances and restrictions run with the land which will make it easier for ITD personnel to determine what access has been allowed for a parcel.

During permit discussions, the restrictions or change in use of an allowed access should be clearly defined. Deed restrictions vary based upon safety and operational considerations and should be agreed upon by all parties prior to permit approval. Agreement to deed restrictions by all parties to the permit shall be required for permit approval.

Examples of access restrictions are as follows:

- Restricted in size, use and location
- Restricted to a maximum number of single family residences
- Restricted to a maximum number of trips per day
- Restricted use by a time period of allowed usage. This may be related to a known future project which will provide frontage roads, etc.

Restrictions to access should be written in a clear concise manner that specifically addresses the new allowances or restrictions that have been agreed upon by the parties to the permit. The following procedures for Interim Access should be followed when a

parcel's direct access to the State Highway System is to be taken away at some time in the future.

INTERIM ACCESS -- Interim Access is applicable to those segments of the State Highway System where new points of access are requested or changes to existing points of access will have direct connection to the state highway that may be terminated in the future due to the highway construction that alters the ability to have direct connection to the main travel lanes. This may be the addition of frontage roads, interchanges or other alternative access. Under these conditions, any NEW access, with the exception of a public road, should ONLY be allowed on an interim basis from a parcel to the state highway. Interim access must be added as a condition of approval when the encroachment permit is signed and approved by both the applicant and the Department. All interim points of access shall be required to meet the safety, operational and design criteria that would be required of an approved permanent point of access on the State Highway System. If granted, interim access will end in the future when the property is provided with access to a public road system other than the main highway, such as a frontage or backage roads, a city street or county road. This will require the existing interim access point to be removed as a direct connection to the highway at that time.

An Interim access point is not real property sold to the property owner and therefore **NO FEES** will be charged under the [A-03-03 Appraisal Policy](#) for points of interim access, however they will be subject to all other applicable fees and must be further documented with a statement in the recorded deed for the parcel.

Verbiage addressing the Interim Access similar to the following will be added to the normal warranty deed:

State does grant unto [Grantee(s) or Grantor(s) depending on transaction], heirs, successors, and assigns, one (1) point of interim access to be located on the Left (Northeasterly) side of the herein-above mentioned project situated in Ada County, Idaho.

Station	Purpose
i.e. 176+22 Left (Northeasterly)	40.0 foot Light Commercial

IT IS EXPRESSLY UNDERSTOOD and intended by the parties hereto that all interim access herein granted shall be extinguished when an alternate point of ingress/egress is constructed that serves the parcel as herein described. The alternate point of ingress/egress shall be constructed at no cost to the property owner and shall provide reasonable access to the state highway system through an indirect means of ingress/egress.

RECORDING OF DEEDS -- Recording of changes to access in a new deed for the affected parcel(s) should not take place until all construction has been completed and the Department has given final approval. District personnel should submit a copy of the

deed, a copy of the signed permit and a cover letter explaining the specifics of the changes/restrictions to be recorded in the new deed to the HQ ROW Section for deed preparation. The permit number will be referenced on the deed as further documentation of the transaction. Once the deed is prepared HQ ROW submits it back to the DISTRICT. It will then be the responsibility of the DISTRICT encroachment personnel to work with the permittee and District ROW to have the deed recorded and to file the proper copies as required by encroachment procedures. i.e. Copies of the signed and recorded deed to District files and HQ ROW.

The following is an example of verbiage on an [ITD-500 form](#) used as a cover letter addressing changes/restrictions in access submitted along with the signed permit and copy of original deed to the HQ ROW Section by the DISTRICT for preparation of a new deed:

“RE: *Access Permit No. 02-05-010 John D. Doe – Upgraded Use with Restriction*

Please find attached a copy of the permit, deed and accompanying information from John Doe, D-2 Traffic. District 2 is requesting a NEW DEED be prepared for a change in access as follows:

*The **EXISTING** approach is on US-95, segment 001540, project No. F.A.P. 82-C (1), in Latah County. Both station and milepost are centerline of the approach. This is to document a change in USE and ADDED RESTRICTIONS to an existing approach. Please show the approach by specific station, size and upgraded use with a **RESTRICTION OF “A MAXIMUM OF 5 SINGLE FAMILY RESIDENCES”**.*

The District has made the following changes:

EXISTING APPROACH BY LOCATION, SIZE and USE (No Restrictions):

*1 28-foot **Joint-Use** Single Family Residential **ONLY** approach, Sta. 299+55 Right, Mp. 350.65 Right.*

NEW APPROACH LOCATION, SIZE, WITH CHANGE IN USE and ADDED RESTRICTION:

*1 28-foot Subdivision approach, **RESTRICTED TO A MAXIMUM OF 5 SINGLE FAMILY RESIDENCES**, Sta. 299+55 Right, Mp. 350.65 Right.*

The above changes in access have been documented in the permit and have been agreed upon by all parties to the transaction.”

RECORDING OF PERMITS -- For the Districts who wish to record access using the encroachment permit instead of a deed and where an exchange deed is not required, they may use the option of recording the changes/restriction to access using the encroachment permit. This is an acceptable alternative, but the proper recording of an encroachment permit will require the inclusion of the following:

- 1) A complete legal description for the affected parcel.
 - a. Description should be attached as an exhibit and could be the deed for the parcel.

- 2) A narrative describing the conditions or restrictions to access being agreed to by the parties to the permit.
- 3) Accesses listed by size, specific use and specific highway station as referenced on approved highway plans for the segment on the State Highway System abutting the parcel to which the point of access is located.
- 4) Signatures of parties to the permit.
 - a. Only the Department's authorized signature must be on the permit if ITD is giving a point of access with no restrictions or mention of actions that may be taken by the Department in the future such as Interim Access.
 - b. All parties to the permit must sign to bind the parties to all conditions of the permit when there are restrictions or future actions which must be agreed to.
 - c. When recording permits, the Department's signature is required to be notarized to entitle the document to be recorded.
 - d. The signature of other parties to the permit may be notarized, but it is not required.

It will then be the responsibility of the DISTRICT encroachment personnel to work with the permittee and District ROW to have the encroachment permit recorded and to file the proper copies as required by encroachment procedures. i.e. Copies of the signed and recorded deed to District files and HQ ROW.

IV. Approaches: Location and Design Standards

4.1 General Approach Requirements

Traffic movements into and out of a business shall be designed, whenever possible, to utilize existing local roads. Existing approaches along the traveled way should serve as exits only from the business onto the State highway. Entrance to the property should be made from the local road.

Design principles for the border area, setbacks, approach locations, base and surfacing, and irrigation and drainage shall meet minimum standards set by the Department Design Manual, ITD special provisions and standard drawings, and the requirements contained herein.

Approaches shall be located where the highway alignment and profile meet approved geometric standards, i.e., away from short radius curves, steep grades, or where the sight distance would not be adequate for safe traffic operations. Approaches shall also be located so as not to create undue interference with, or hazard to, the free movement of normal highway or pedestrian/bicycle traffic or cause areas of congestion. Approach locations that restrict or interfere with the placement or proper functioning of traffic control signs, signals, lighting, or other devices shall also be avoided.

Failure to comply with minimum requirements of these standards and procedures is sufficient cause for the Department to deny an approach or signal location, prohibit specific approach usage, or revoke an existing approach permit.

The approved [ITD-2109](#), *Right-of-Way Encroachment Application and Permit - Approaches and Other Encroachments*, shall include all applicable special provisions, variances, standard drawings, legal documents, and any additional requirements placed on the permit by the Department and may include restrictions requested by the affected local highway agency if approved for inclusion by the Department.

The Department reserves the right to make any additions, modifications, relocations, or removals to any approach or its appurtenances within the State highway right-of-way when necessary for maintenance, rehabilitation, reconstruction, or relocation of the State highway and/or to provide proper protection of life and property on, or adjacent to, the State highway.

Failure to comply with the requirements and/or recommendations contained herein, unless a variance has been approved by the Department, may be sufficient cause for the Department to deny an approach application, prohibit specific approach usage, or remove an existing approach.

Minimum spacing standards must meet requirements stated in this document. See [TABLE 4.5.1.1 MINIMUM INTERSECTION, APPROACH AND SIGNAL SPACING](#)

The location, design, construction, and operation of all approaches shall comply with the geometric standards and design principles presented in special provisions the [ITD-2109](#). Forms and standard drawings are available at any District office.

The following access management guidelines shall be applied whenever possible on applications for approaches:

- Geometric design of approaches should be for current and future property requirements.
- Apply site specific needs such as channelization, auxiliary lanes, approach offsets, signals, boulevard approaches, joint-use approaches, frontage roads, and restricted on-street parking.
- Place primary access to properties with frontage to more than one roadway from the roadway with the lowest functional class.
- Design approaches with internal supporting roadways to eliminate ingress and egress vehicular stacking and parking within the approach, especially approaches to businesses.
- Traffic movements into and out of a business shall be designed, whenever possible, to utilize existing local roads. Existing approaches along traveled way should serve as exits only from the business onto the State highway. Entrance to the property should be made from a local road.
- Design parking lots with internal circulation around access points.
- Alleys shall conform to approach standards and maintain sidewalk continuity across the approach.
- Encourage joint-use approaches for access at common boundaries between adjoining properties to reduce the number of approaches on the State Highway System.
- Encourage cross-access agreements between adjacent property owners.
- The installation of a physical barrier along property frontage shall be encouraged to prevent uncontrolled access. The control of access can be accomplished by placement of barriers, berms, curbs, fences, or plantings adjacent to the roadway or shoulder.

4.2 Approaches For Developments

New land developments and expansions of existing developments can have a significant impact on the transportation system, particularly if there is not adequate planning and consideration of system improvements that may be needed. A TIS should be required when a new or an expanded existing development has **direct** access to the state highway system and may be required when **indirectly** accessing the state highway system. A Transportation Impact Study (TIS) should analyze all surface transportation modes, including pedestrians, bicycles, vehicles, and other public transportation services, that may be affected by the development. The impact analysis area is larger than just the immediate site. The TIS documents the extent of the impact of the proposed development on the State Highway System, including additional trips, resulting level of service during AM and PM peaks, and the need for auxiliary lanes or other special capacity or safety features. These improvements could include right and/or left turn lanes, additional through lanes, acceleration lanes, bicycle lanes, bus stops, sidewalks, medians, traffic signals, removal and/or consolidation of existing approaches, etc.

The TIS shall be prepared in accordance with the latest version of [Board Policy B-12-06](#), “Transportation Impact Study Requirements”, available from any District office. The developer shall coordinate the study with the District Engineer. The developer shall provide and pay for the study, which shall be conducted by an engineer that is licensed in the State of Idaho and one which has been approved to provide information to ITD in the appropriate Category of Service. Traffic Impacts are covered under [Category B2-Traffic Services](#).

To check the current listing of approved consultants in the appropriate Category of Service you will be required to use the following links which will take you to the ITD Consultant Administration Unit’s Term Agreement Report page. Depending on what information the consultant is providing the link to the Category of Service Definitions will help you determine which category the consultant must be approved for:

[Category of Service Definitions](#)

[Term Agreement Report](#)

Link to the Category of Service Definitions and determine which Category of Service you want to search. Then link to the Term Agreement Report page, you must select the District, the Detailed Report and the category of work for which the consultant is wishing to provide information. Then click on the SUMBIT button and you will be provided with a detailed report of approved consultants for the Service Category you chose. If the consultant is not listed you will not be able to accept his work and must instruct him to go to the following link to apply for approval under the Service Categories that he wishes to provide information to the Department. The link will take them to a page where they will be able to fill out the request for approval and will also be able to read the Category of Service definitions so that they may apply for all categories that they feels they are qualified for.

Term Agreement Solicitation, Request for Qualification (RFQ) and Category of Service Definitions

Once the consultant has been approved by the Department, he should notify permit administrator so they can check the Term Agreement Report again. Once the consultant is listed in the report you will be able to accept their work.

A *Right-of-Way Encroachment Application and Permit - Approaches and Other Encroachments* (ITD-2109) shall be accompanied by a Traffic Impact Study (TIS) under the following conditions:

- A “full” TIS shall be required for developments that will generate 100 or more new trips per hour (total two-way traffic) during the highway’s peak hour, or when the total added volume will equal or exceed 1000 vehicles per day (or a lesser volume when specified by the Department).
- A “minor” TIS is required for developments that will generate between 25 and 99 new peak hour trips or will add from 250 to 999 vehicles per day.

While the number of trips described above is designed to define the type of TIS required, the ADT and level of service of the existing roadway in combination with the number of trips may dictate the need for a “full” TIS. In rural areas, the TIS requirement may be waived. The District Engineer shall make the final decision regarding the requirement of a TIS. If the proposed development is in an air quality non-attainment zone, then some analysis for air quality shall also be required.

When permitting approaches the number of approaches should be kept to a minimum. This would include all existing approaches plus any additional approaches. This can be accomplished through the use of frontage roads, joint use approaches or the elimination of unnecessary approaches. Minimum spacing standards must meet requirements stated in this document. ([TABLE 4.5.1.1 MINIMUM INTERSECTION, APPROACH AND SIGNAL SPACING](#))

4.3 Auxiliary Lanes

All new approaches to the State Highway System, shall be reviewed for the need to provide auxiliary lanes prior to issuing approach permits.

If the determination is made that auxiliary lanes are needed, it shall be supported by an engineering study that considers the following factors:

- Operating speed of the State highway;
- Traffic volumes;

- Projected turning movement volumes;
- Availability of passing opportunities;
- Sight distance (both stopping and intersection); and
- Past collision history and/or potential for collisions.

Auxiliary lanes shall not be constructed to enhance a new roadside business, unless the applicant is willing to pay the full cost.

Auxiliary lanes required as a result of a planned development, shall be paid for by the developer. When the need for an auxiliary lane exists prior to an application for a planned development, the developer may not be required to pay for the lane unless such construction precedes the Department's construction schedule.

The effect that a left turn lane will have on restricting passing opportunities shall be weighed against the safety benefit the left turn lane may provide. On a State highway section where passing opportunities are critical, the adverse effect that construction of a left turn lane would have on the capacity of that roadway section may be more significant than the safety benefit from the left turn lane.

4.4 Medians

The placement of medians and the location of median openings should be managed on the State Highway System to enhance the efficiency and safety of the highways and to influence and support land use development patterns consistent with approved transportation system planning.

The installation of a median promotes the safe and efficient movement of traffic by reducing the number of collisions, providing speed change and storage lanes for left-turning and U-turning vehicles, and provides a refuge space for pedestrians. Median control is the principal access control measure to protect transportation facilities, corridors, and sites for their identified functions.

The design and placement of medians on the State Highway System shall address the following:

- Medians should be used on all State highways where a traffic engineering study indicates that medians would be beneficial to control access, maintain street capacity, and improve traffic safety.
- When medians are selected, non-traversable medians are the preferred median type; however, traversable medians in urban areas may be considered to facilitate emergency vehicles.

- Pedestrian/bicycle safety shall be given consideration in the choice and design of medians in areas that are frequently used by pedestrians/bicycles.
- Construction requirements for all new and/or modified approaches to the State highway right-of-way, shall be reviewed for the need to place medians on the State highway.
- All median openings shall be designed with a left turn lane and sufficient storage for left turning traffic.
- Channelization formed by raised curbs, solid painted islands, left turn lanes, or other traffic control installations may be required to create a mandatory right-in/right-out approach condition.
- Median openings allowing U-turns shall be provided only at locations having sufficient roadway width.
- Non-traversable medians shall be used when restricting turning movements for RT-In/RT-Out approaches.

Implementation of medians should be considered for:

- All new multi-lane State highways.
- Modernization of all multi-lane State highways where posted speeds are 45 mph or greater.
- All undivided State highways where the annual collision rate is greater than the statewide annual average collision rate for similar roadways.
- All State highways when the average daily traffic (ADT) exceeds 28,000 vehicles per day, both directions.
- All multi-lane State highways undergoing resurfacing, restoration, and rehabilitation improvements.
- State highways, where pedestrians/bicycles are unable to safely cross the entire highway width, as demonstrated by a collision rate that is greater than the statewide annual average collision rate for similar roadways.

Full median openings may be considered on State highways

- At locations which currently meet the criteria spacing for a signal. ([Table 4.5.1.1, Minimum Intersection, Approach and Signal Spacing](#))

Partial median openings which restrict turning movements may be considered when justified by an Engineering Study.

Continuous two-way left turn lanes may be considered on State highways with a posted speed of 45 mph or less. Where a posted speed is greater than 45 mph, placement of a non-traversable median should be considered. Additional travel lanes may be required in order to maintain the level of service since passing opportunity is lost when these are installed on a two-lane facility.

4.5 Design Principles & Restrictions

Design restrictions may be required based upon the engineering judgment of the Department's engineering staff. Recognition of future impacts on the roadway conditions resulting from an approach may lead to the application of design restrictions at the time of permit approval. For example, the Department may elect to restrict turning movements at driveways that would warrant signal installation if they are not at locations meeting signal spacing requirements.

The Department may require the permittee to construct design restrictions at the time the approach is constructed, or they may be recorded against the property and become effective based upon a trigger condition agreed upon by the permittee and the Department at the time of permit approval. If future construction is required, the permittee shall provide a bond, upfront payment, or similar agreed upon financial guarantee to the Department to cover the future work prior to construction of the approach.

The following items shall be considered on each *Right-of-Way Encroachment Application and Permit - Approaches and Other Encroachments* (ITD-2109):

- Highway alignment and grade
- Auxiliary Lanes
- Medians
- Intersection, approach and signal spacing
- Corner clearances
- Approach alignment
- Approach width
- Property line clearances
- Setback and sight distance (minimum and preferred)
- Approach transitions and flares
- Approach radii
- Approach grades
- Underground utilities
- Deed restrictions
- Environmental impacts
- Long range planning goals

- Zoning – Current and Proposed
- Traffic Impact Study – when required
- Non-traversable medians

4.5.1 Intersection, Approach and Signal Spacing

In order to maintain system capacity, safety and efficiency, maximize signal progression, and minimize delays to the traveling public, all approaches and signals shall be spaced in accordance with the standards of Table 4.5.1.1. Variance to the spacing standards shall not be permitted unless a need can be demonstrated for the variance in accordance with [Section 3.16 – Variance Policy](#).

TABLE 4.5.1.1

MINIMUM INTERSECTION, APPROACH AND SIGNAL SPACING

ACCESS TYPE	URBAN/RURAL	TYPE	APPROACHES		SIGNALS	
			INTERSECTION SPACING	APPROACH SPACING	SIGNAL SPACING	
I	Urban sections shall be upgraded to Type II or greater					
	R	At-grade	.4 km (.25 mi.)	91.4 m (300')	.8 km (.5 mi.)	
II	U	At-grade	201.2 m (660')	45.7 m (150')	.4 km (.25 mi.)	
	R	At-grade	.4 km (.25 mi.)	.15 km (500')	.8 km (.5 mi.)	
III	U	At-grade/ Interchange	.4 km (.25 mi.)	91.4 m (300')	.8 km (.5 mi.)	
	R	At-grade/ Interchange	.8 km (.5 mi.)	.3 km (1000')	.8 km (.5 mi.)	
IV	U	At-grade/ Interchange	.8 km (.5 mi.)	NA	.8 km (.5 mi.)	
	R	At-grade/ Interchange	1.6 km (1 mi.)	NA	1.6 km (1 mi.)	
V	U	Interchange	1.6 km (1 mi.)	NA	None	
	R	Interchange	4.8 km (3 mi.)	NA	None	NA

The distance between approaches is measured along the curb line or outside edge of the shoulder between the nearest edges of adjacent approaches, excluding the flares, transitions, or radii (see [Figures 1.5.1](#) and [1.5.2](#)). The distance between approaches shall be such that the curb approach transition or radii of the one approach does not encroach upon the transition or radii of the adjacent approach. .

No traffic signal location shall be authorized without meeting ITD signal warrant requirements (see [section 302.03 Traffic Signal Warrants](#), of the Traffic Manual) and

providing a signal operational analysis. In selecting locations for traffic signals, preference shall be given to locations that meet or may be reasonably expected to meet signal warrants within five years.

4.5.2 Corner Clearances

Corner clearance is the distance between an approach and the nearest cross road intersection. In order to maintain system capacity, safety and efficiency, maximize signal progression, and minimize delays to the traveling public, every effort should be made to avoid locating driveways within the functional (or influence) area of an intersection, as defined below. Therefore, all approaches should be located as far as possible from intersections to:

- Preserve visibility at the intersection;
- Permit a vehicle to enter an approach with a minimum of interference to an intersection;
- Provide motorists with adequate perception reaction time;
- Help motorists assess potential downstream conflicts;
- Prevent blockage of driveways upstream of an intersection due to traffic queues;
- Allow a vehicle to exit from the approach to a desired travel lane before entering an intersection or turning lanes;
- Facilitate the installation of traffic signs, signals and lighting.

Standard: The approach transition, flare, or radius shall in no case encroach upon the curb or pavement edge forming the corner radii of the intersection. Driveways shall not be located at less than spacing standards identified in sections [4.5.2.1-SIGNALIZED INTERSECTIONS](#) or [4.5.2.2- UN-SIGNALIZED INTERSECTIONS](#) or within the functional intersection area, whichever is greater, unless a variance can be justified and safety and operation of the highway are not diminished.

When property frontage is less than the functional intersection area or spacing standards, access shall be located onto the lower classification road when two roadways front the property, thru adjacent property via cross property agreements when possible, or as a last resort as far from the intersection as practical, and limited to right-in and/or right-out only movements. Future safety considerations, identified thru an engineering evaluation may require the closure of an access when the property can obtain access thru an adjacent property.

4.5.2.1 Signalized Intersections

The functional intersection area of a signalized intersection extends both upstream and downstream of the physical intersection area and includes both of these extensions.

Downstream Functional Intersection Area is equal to stopping sight distance as set forth in Chapter 3 of **AASHTO's A Policy on Geometric Design of Highways and Streets**.

Upstream Functional Intersection Area is equal to the sum of $d_1 + d_2 + d_3$.

- d_1 = distance traveled during perception - reaction time
- d_2 = deceleration distance while the driver maneuvers to a stop
- d_3 = queue storage

At intersections where queue lengths and speeds vary between peak and off-peak conditions, the sum $d_1 + d_2 + d_3$ is calculated for both periods. The greater distance is used for the upstream functional intersection distance. The 95% peak hour queue length and peak speed is to be used when calculating peak conditions and the 50% peak hour queue length and posted speed is to be used for calculating off-peak conditions. 2.5 seconds shall be used for the perception-reaction time.

4.5.2.2 Un-signalized Intersections

The functional intersection area of an un-signalized intersection extends both upstream and downstream of the physical intersection area and includes both of these extensions. For un-signalized intersections, both the upstream and downstream functional intersection areas are equal to the stopping sight distance for the posted speed as set forth in Chapter 3 of **AASHTO's A Policy on Geometric Design of Highways and Streets**.

4.5.3 Approach Alignment

Approaches should intersect the State highway at right angles whenever possible.

4.5.4 Approach Width & Radius

An approach shall be wide enough to properly serve the permitted type and volume of traffic. Widths and radii for various types of approaches are shown in Table 4.5.4.1. Minimum widths should only be used only when space limitations apply.

TABLE 4.5.4.1

APPROACH WIDTHS & RADII

APPROACH USE	< 35 MPH		> 35 MPH		RADII	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
Single Residential, Farmyard, Field	12'	40'	20'	40'	20'	30'
Multiple Residential	28'	40'	28'	40'	20'	30'
Commercial (One-Way)	15'	30'	20'	30'	30'	40'
Commercial (Two-Way)	25'	40'	25'	40'	30'	40'
Boulevard Approach	84'	84'	84'	84'	See Figure 4.5.4.1	
Joint-Use Residential/ Farm	25'	40'	25'	40'	20'	30'
Joint-Use Commercial	12'	40'	20'	40'	30'	40'
Public Highways	28'	N/A	28'	N/A	30'	50'

All approaches, with the exception of a Boulevard Approach, shall be constructed in accordance with [ITD Standard Drawings H-2-A](#) and [H-4-A](#)

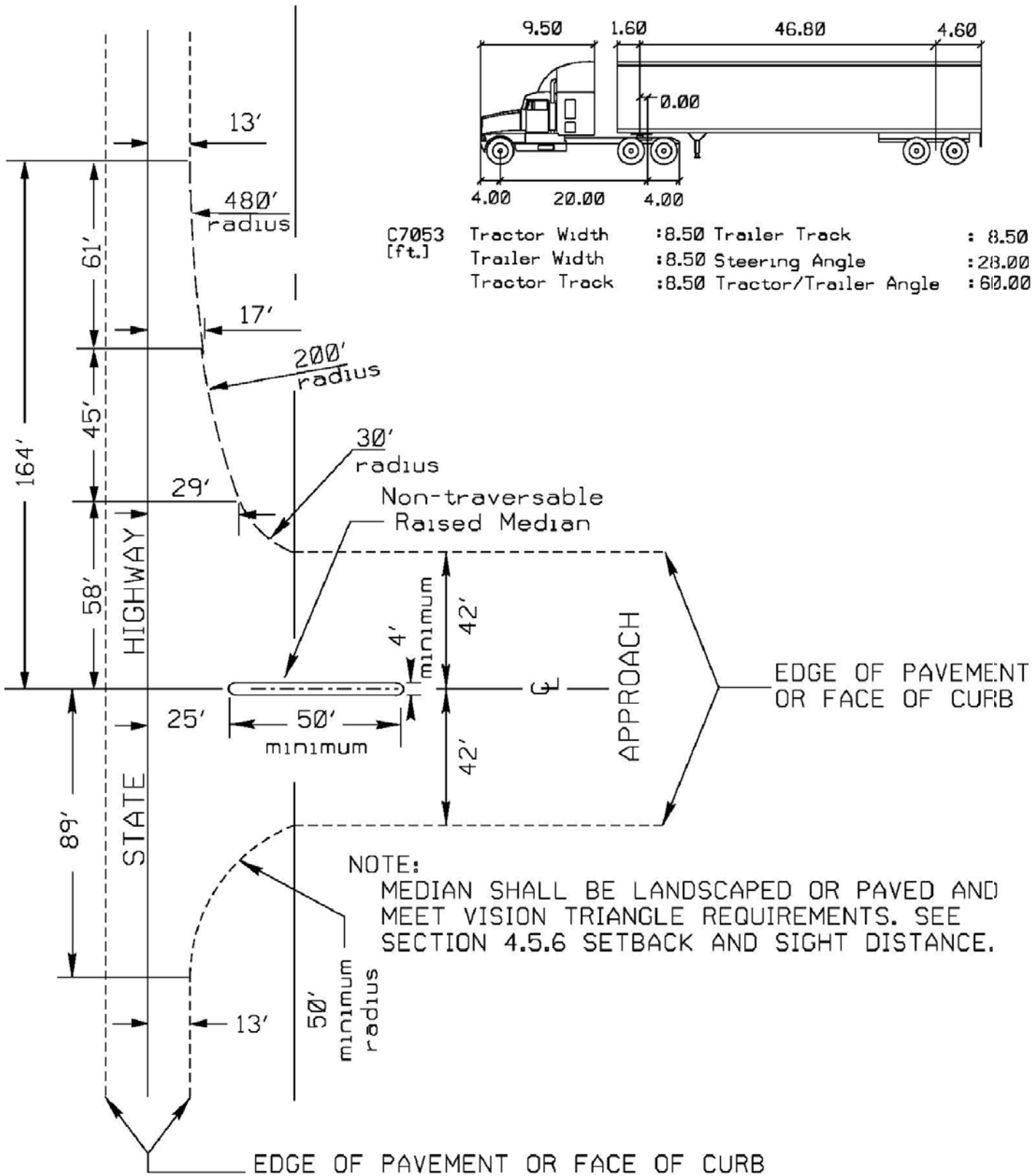
An approach that is adjacent to a public alley may include the alley as part of the approach if approved by the local jurisdiction; however, the width of the combined approach shall not exceed 40 feet.

Commercial approaches with volumes exceeding fifty (50) vehicles per hour during a total of any 4 hours per day should be designed as a public road approach.

A Boulevard Approach may be required to improve operation and/or aesthetics of commercial approaches and some public highways, when warranted, by a combination of vehicle length and higher traffic volumes. The approach shall be designed to serve the traffic with both a right-turn and a left-turn lane, a median, and one or more entrance lanes. Boulevard approaches shall be designed in accordance with Figure 4.5.4.1 and [Standard Drawing H-1\(m\), Curbs, Gutters, Traffic Separators & Raised Channelization End Treatments](#).

Figure 4.5.4.1

BOULEVARD APPROACH



4.5.5 Property Line Clearances

In curbed sections, there shall be a minimum property line clearance of 6 feet to accommodate approach transitions. Approaches shall be constructed so that all approach flares and any extensions of the approach remain within the applicant's property (see ITD [Standard Drawing H-2-A, Urban Approaches & Concrete Sidewalk](#), and [Figure 1.5.1](#)).

In rural or uncurbed sections, property line clearances shall be equal to the approach radius. Approaches shall be constructed so that all approach radii remain within the applicant's property (see ITD [Standard Drawing H-4-A, Rural Approaches](#), and [Figure 1.5.2](#)).

Approach transitions or radii may be allowed to abut the adjacent property line when required for proper utilization of the property. Joint-use approaches shall be required whenever property frontage is insufficient to include the full width of the approach, including both radii. In this case, contact should be made with the adjacent property owner (see [section 3.7, Submitting the Application](#)).

4.5.6 Setback and Sight Distance

Setback:

It is unlawful for a business located adjacent to the State highway to serve patrons with vehicles parked or standing on the highway right-of-way (Idaho Code [40-310\(9\),\(10\),\(11\)](#) and [49-659](#)). Approach design should allow for adequate ingress and egress to and from the facility(ies) without obstructing or delaying vehicles within the approach or the traveled way, especially for parking lots, garages, drive-in cafes, drive-in theaters, truck terminals, etc., where a large number of vehicles enter and leave the property in a short period of time.

Improvements on private property adjacent to the State highway right-of-way to serve patrons shall be setback from the highway right-of-way line so that stopping, standing, parking, or maneuvering of vehicles on the right-of-way is not necessary. A minimum setback of 14 feet from the State highway right-of-way line is recommended, unless otherwise is established by an engineering study or [Corridor Management Plan \(CMP\)](#). When an ordinance requires a certain number of parking spaces per square footage of building, the parking spaces shall not be included within the State highway right-of-way.

Sight Distance:

Approach locations should not restrict or interfere with the placement and proper functioning of traffic control signs, signals, lighting, or other devices that affect traffic operation. Poles, signs, displays, berms, landscaping, etc. that restrict the sight distance of a vehicle entering or leaving the property shall not be installed between the State highway right-of-way line and the setback line.

Approach sight distance can be affected by roadway geometry and obstacles as well as the setback of buildings, vegetation, or other fixtures located along property adjacent to the roadway. Approach sight distance will also vary according to posted speed limits, grades, and road conditions. An adequate distance shall be provided such that motorists can perceive, react, and stop for any potential conflict related to the intersection of the approach, defined as the stopping sight distance.

Stopping sight distance requirements for vehicles may require adjustments to compensate for variations in grade and road conditions. See **AASHTO “A Policy on Geometric Design of Highways and Streets”**, Chapter 3. Elements of Design for distance requirements.

Section 49-221 of the Idaho Code requires all property owners to remove any hedge, shrubbery, fence, wall, or other sight obstructions of any nature where they constitute a traffic hazard. Such encroachments constitute a traffic hazard at the intersection of roads with other roads, private approaches, alleys, bike or pedestrian paths, or railroad crossings when they are within the “vision triangle” of vehicle operators. (See Figure 4.5.6.1 below.)

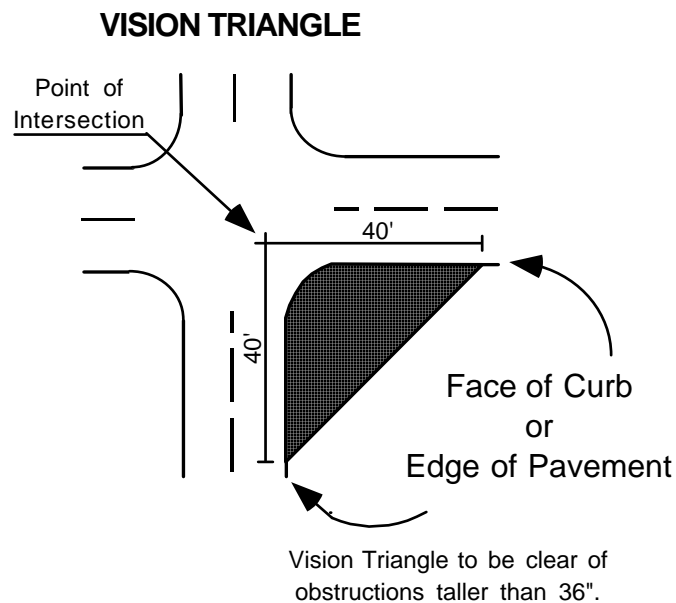


Figure 4.5.6.1

The boundaries of the “vision triangle” (Figure 4.5.6.1) are defined as follows:

- By extending perpendicular lines along the face of curb or edge of pavement from their point of intersection 40 feet in either direction; and
- By a height between 3 feet and 10 feet above the existing centerline highway elevation.

Removal of obstructions should be coordinated with the appropriate local agency/authority.

4.5.7 Approach Transitions and Flares

In curb and gutter sections, the transition connecting the edge of the approach to the curb shall be as specified in ITD [Standard Drawing H-2-A, Urban Approaches & Concrete Sidewalk](#).

In sections not having a curb and gutter, approach flares should connect the outside edge of the approach to the outside edge of the roadway shoulders, as specified in ITD [Standard Drawing H-4-A](#). The approach flare tangent distance should not exceed 20 feet unless a larger radius is warranted by an engineering study.

Transition and flare distances for boulevard approaches are specified in [Figure 4.5.4.1](#). See also [Figures 1.5.1](#) and [1.5.2](#).

4.5.8 Approach Grades

All approaches shall conform to ITD [Standard Drawings H-1, H-2-A, and H-2-B, H-4-A](#) or current Department standards.

If the maximum allowable slope is not great enough to bring the approach to the level of the sidewalk or back of curb, a depressed sidewalk should be installed, when required. If sidewalks exist, the connection between the original sidewalk and the depressed sidewalk shall be made through a transition area with a slope no steeper than one-to-twelve (1:12) from the longitudinal grade of the original sidewalk. All new curbs or sidewalks should be constructed to the line and grade of the existing curb or sidewalk with every effort to construct a sidewalk that is uniformly graded and free of dips.

To accommodate emergency service vehicles, the Department recommends a maximum approach grade not to exceed ten percent (10%).

4.5.9 Border Area

The border area may require grading, and/or landscaping (including seeding) when adjacent property and approaches are developed. Border area work shall insure that adequate sight distance, proper drainage, desirable slopes for maintenance operations, and a pleasing appearance are provided. The border area shall be free of encroachments and designed as needed to prevent vehicular use through the incorporation of ditching, special grading, use of concrete or bituminous curbs, fencing, guard rail, guide posts, etc. The design or devices should not impair adequate sight distance or constitute a hazard to pedestrians, bicycle, or vehicles.

4.5.10 Irrigation & Drainage

The maximum slope beyond the outside edge of shoulder, back of curb, or back of sidewalk to the right-of-way line shall be as specified in ITD [Standard Drawings A-2, A-3](#),

and [A-4](#), where applicable. The creation of ponds, pools, or drainage/evaporation swales within the highway right-of-way shall be prohibited unless required by the Department.

All approaches to the State highway shall be graded so that private properties abutting the highway right-of-way do not drain onto the traveled way. Post-development drainage flows shall not exceed pre-development drainage flows. Approaches shall also be constructed so they do not impair the drainage within the State highway right-of-way, alter the stability of the roadway subgrade, or materially alter the drainage of the areas adjacent to the highway right-of-way.

Properties adjacent to the State Highway shall not direct irrigation or drainage flows onto the State highway system. Pre-existing drainage flows onto the State Highway System will be required to be addressed during the permitting process and prior to any allowance of changes in access.

Culverts and drop inlets shall be installed where required and shall consist of the type and size specified by the Department. Where the border area is re-graded, landscaped, or reclaimed (seeded), the border area shall have sufficient slope, ditches, culverts, and drop inlets for adequate drainage. **Slopes, where practical, should be a one-to-six (1:6) maximum.**

For design details see [Standard Drawing D-13, Culvert & Conduit Installation for Existing Roadways](#), [E-6-A, Inlets & Catch Basins Types 1, 2, & 3](#), [H-2-A, Urban Approaches & Concrete Sidewalk](#), [H-2-B, Urban Approaches with Handicapped/Bicycle Type A5 & A6](#), and [H-4-A, Rural Approaches](#).

4.5.11 Base and Surfacing

In curb and gutter areas, approaches shall be paved to the State highway right-of-way line. Refer to [ITD Standard Drawings H-2-A](#) and [H-2-B](#), or current Department standards.

All rural private, commercial, and public approaches shall be paved to the State highway right-of-way line or to the back of the approach radius whichever is greater. Farmyard and field gravel approaches that are occasionally used shall be paved a minimum of 5 feet from the edge of pavement. Approaches on existing unpaved State highways are exempt. See [Section 6.2 Maintenance](#).

On all approaches, it shall be the responsibility of the permittee to supply, place, and properly compact the approach fill and base material. All base and surfacing materials and compaction requirements shall be as specified in the special provisions of the approved permit and the ITD Standard Specifications for Highway Construction.

All right-of-way encroachment permits for approaches on the State Highway System shall include special provisions for construction requirements, as applicable.

V. Utilities & Other Encroachments: Location and Design Standards

5.1 Utilities

Under authority of Sections [40-312\(3\)](#) and [67-5229](#), Idaho Code, the Idaho Transportation Board adopted a rule known as [IDAPA 39, Title 03, Chapter 43](#), “[Rules Governing Utilities On State Highway Right-of-Way](#).” The purpose of the policy is to regulate the location, design and methods for installing, relocating, adjusting and maintaining utilities on State highway right-of-way when such use and occupancy is legal, in the public interest and will not adversely affect the highway or its users. The policy applies to new utility installations, to existing utility installations to be retained, relocated, maintained or adjusted because of highway construction or reconstruction, and to the relocation of utility facilities which are found to constitute a definite hazard to the traveling public. The rule can be found at the following link:

[39.03.43 - Rules Governing Utilities on State Highway Right-of-Way](#)

The following Department’s Guide for Utility Management (GUM), provides information and guidance regarding the coordination and administration of utility facilities on the Idaho State Highway System and the July 2003 Utility Accommodation Policy is the current ITD policy regarding utilities within the State Highway System. Both documents can be found at the following link:

[ITD Guide for Utility Management \(GUM\)](#)

5.2 Landscaping, Farming, & Associated Irrigation

Permits may be issued for landscaping, farming, and associated irrigation within the State highway rights of way. Repair of landscaping in the State highway right-of-way shall be the responsibility of the permittee, and the Department will not be responsible for, or participate in, any repair or maintenance costs. All requests for landscaping, farming, and irrigation shall require a review of current access control records for restrictive covenants. Applications may be approved provided that the following conditions are met:

- Landscaping, farming, and irrigation systems shall maintain the structural integrity of the State highway right-of-way. No undercutting of the present highway fill and ballast section or construction of unprotected bare soil cuts for access from the State highway shall be allowed.
- Unless otherwise specified, the degree of landscaping will be limited to what is necessary to insure that the appearance of the State highway right-of-way is

compatible with the appearance of the surrounding area and shall not interfere with public safety and overall maintenance operations.

- Landscaping, farming, and irrigation systems shall not disturb, obstruct, or add to the normal drainage patterns of the State highway right-of-way. No new ditches shall be constructed without prior approval.
- Landscaping, farming, and irrigation systems shall not interfere with utility installations, removals, or operations.
- Provisions shall be established for the responsibility of future maintenance.
- Only planting of forage plants, grasses, flowers, and shrubs with a mature height not to exceed 3 feet will be allowed within the clear zone of the State highway right-of-way. Type and size of grasses, flowers, and shrubs will be determined by the ITD Roadside Manager.
- No trees shall be allowed within the clear zone of the State highway right-of-way.
- No rocks over 4 inches maximum size will be allowed within 30 feet of the edge of the paved roadway.
- Irrigation systems shall be no closer than 5 feet from the pavement edge and shall be adjusted so as not to cause water to cover any portion of the highway pavement.
- No grading, excavation, or other ground disturbing activities will be performed during rainy periods. If work cannot be avoided during rainy periods, the permittee will install check dams or other approved device(s) or structure(s) in drainage channels and/or provide a sediment retention basin to avoid discharging sediment containing runoff into the drainage system, or any wetlands, or water bodies (streams, rivers, lakes and ponds). No work shall be performed in or adjacent to any wetland or water body without providing the Department with copies of the appropriate permits from the Army Corps of Engineers, Idaho Department of Water Resources, and/or the Idaho Division of Environmental Quality.
- All work within the State highway right-of-way shall be required to return the right-of-way to either its original condition or to the requirements of the encroachment permit as approved by the Department.
- Appropriate Best Management Practices to temporarily control erosion and resulting sediment shall be used. Typical soil surface protection practices include erosion control blankets, taced mulches of straw, wood fiber, paper fiber, soil amendments, or rock mulch. Typical sediment control practices may

include silt fences, fiber wattles, rock check dams, sediment basins/ponds, inlet culvert risers, and inlet rock filters. For further information on [Best Management Practices](#), contact an ITD District Environmental Planner.

- Travel lanes shall be kept reasonably free of dirt, rocks and other debris resulting from construction or maintenance of landscaping, farming, or irrigation.

5.3 Parking Areas

The Department may permit publicly owned parking areas within the State highway right of way. (i.e. Recreational trailheads, park and ride lots, etc.) Parking areas shall be designed to safely accommodate the allowed number of parking spaces (as provided by the Department). Access points shall be located so that adequate sight distance is maintained for the safety of approaching traffic and so that minimal interference with the normal flow of traffic on the traveled way results. (See [section 4.5.6, Setback and Sight Distance](#).) Approaches shall be constructed in accordance with Department standards. Installation of fencing and delineation should be considered to restrict ingress and egress locations and widths. Unrestricted drainage shall be provided and shall comply with the restrictions discussed in [section 4.5.10, Irrigation & Drainage](#).

Construction and maintenance of parking areas, including snow removal shall be the responsibility of the permittee.

The permittee shall comply with all applicable sections of this manual, including but not limited to all location and design standards.

5.4 Mailbox & School Bus Turnouts

Mailbox turnouts in rural areas may be combined with an adjacent approach or may be independent of the approach. For safety reasons, the mail carrier should be able to stop out of the traveled way whenever possible. The applicant should be required to construct a mailbox turnout at the same time a mailbox is installed.

Mailbox turnouts shall be constructed in accordance with the Turnout Width Table in ITD [Standard Drawing H-4-B](#). Mailbox supports shall conform to ITD [Standard Drawings H-5-A](#) and [H-5-B](#). The box-to-post attachments shall resist separation when struck by a vehicle. No massive metal, concrete, stone or other hazardous supports shall be allowed. Owners of mailboxes that do not meet minimum installation requirements shall be notified that correction is required (see [section 3.18 Unauthorized and Non-Standard Encroachments](#)).

School bus turnouts shall be constructed with sufficient length and width to accommodate bus length and turning maneuvers (as determined by the Department). Turnouts shall be located so adequate sight distance is maintained for the safety of approaching traffic and so

that minimal interference with the normal flow of traffic on the traveled way results. (See [section 4.5.6, Setback and Sight Distance](#).) All permitted school bus turnouts shall include approved advance warning signs installed at Department expense.

VI. Additional Encroachment Requirements

6.1 Traffic Control

It is the permittee's responsibility to provide for safe, efficient passage, and protection of vehicles, pedestrians, bicycles, and workers during any permitted work within the State highway right-of-way. The permittee shall submit for Department approval a traffic control plan for the installation, modification, maintenance, relocation, or removal of any State highway right-of-way encroachment.

If work does not begin immediately, the permittee shall notify the District and any affected local highway agency five (5) working days prior to commencing any permitted work.

The movement of through traffic shall be inhibited as little as possible. The permittee shall be required to meet the minimum requirements of the latest edition of the [Manual on Uniform Traffic Control Devices \(MUTCD\)](#), including all exceptions. All flaggers working on the State Highway System shall be certified in or recognized by the State of Idaho. They shall carry on their person a current flagger identification card and a photo identification card that is recognized by the State of Idaho. All traffic control devices used on the State Highway System shall comply with current FHWA crash criteria. During the progress of the work, all barricades, signs, and other traffic control devices shall be erected and maintained by the permittee.

When required, a striping plan for the placement of temporary and permanent pavement markings shall accompany the approved right-of-way encroachment permit. Materials, placement, and removal of all pavement markings shall conform to current Department specifications and standards.

6.2 Maintenance

See [Section 4.5.11 Base and Surfacing](#) for additional requirements in regard to the construction and maintenance of approaches within the State highway rights of way.

Maintenance of roadway approaches shall be as follows, unless otherwise provided:

Paved public approach	The Idaho Transportation Department maintains the roadway to the State highway right-of-way line.
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Paved private approach	The Idaho Transportation Department maintains the approach to the end of the Department-approved radii; permittee maintains beyond the radii.
Gravel public approach	The Idaho Transportation Department maintains the approach to the State highway right-of-way line.
Gravel private approach	The permittee maintains the approach beyond the wedge.
Gravel turnouts	The Idaho Transportation Department maintains turnouts, other than mailbox turnouts, to the State highway right-of-way line. The permittee maintains mailbox turnouts.

Maintenance of all other encroachments shall be the responsibility of the permittee.

6.3 Survey

The permittee shall be responsible for all costs incurred for surveying of real property and locations of points of access, easements, or miscellaneous encroachments when placed within the state highway right-of-way, unless otherwise addressed by the Department.

If a permanent boundary survey marker is disturbed during the performance of work associated with an approved encroachment permit, the permittee shall be held responsible for obtaining the services of a professional land surveyor licensed in the state of Idaho to replace the permanent boundary survey marker to its proper location as determined by the Department. The permittee shall be held responsible for any and all costs associated with repairing, replacing, or relocating the permanent boundary survey marker. This shall include but not be limited to compensation based on actual cost to the Department for any and all costs incurred by the Department in having the permanent boundary marker repaired, replaced or relocated. In addition the permittee may be held liable under [Idaho Code 54-1234. MONUMENTATION – PENALTY AND LIABILITY FOR DEFACING](#)

Appendix A: References

Administrative Policy A-09-02	Urban Limits and Functional Classification Systems
Administrative Policy A-12-01	Right-of-Way Use Permits
Administrative Policy A-12-02	Special Events on State Highways
Administrative Policy A-12-04	Traffic Control During Construction, Maintenance, Utility or Private Development Operations
Administrative Policy A-14-07	Landscaping
Board Policy B-09-02	Urban Limits and Functional Classified Highway Systems
Board Policy B-12-01	Right-of-Way Use Permits
Board Policy B-12-06	Transportation Impact Studies
Board Policy B-14-07	Landscaping
Idaho Administrative Rule 39.03.42	Rules Governing Use of State Right-of-Way
Idaho Administrative Rule 39.03.43	Rules Governing Utilities on State Right-of-Way
Idaho Administrative Rule 39.03.50	Safety Rest Areas
Idaho Administrative Rule 39.03.63	Traffic Accident Memorials

[Idaho Code 40-310 \(\(9\), 40-311\(1\), 40-604\(5\), 49-202\(23\)\)](#)

[Federal Code 23 CFR 620](#)

Federal Highway Administration (FHWA): [*Manual on Uniform Traffic Control Devices*](#)

American Association of State Highway and Transportation Officials (AASHTO): [*A Policy on Geometric Design of Highways and Streets*](#)

ITD Documents: Board Policies, Administrative Policies, Traffic Manual, Right-of-Way Manual, Construction Manual, Design Manual, Standard Specifications for Highway Construction, Standard Drawings

Appendix B:

Forms – Available Upon Request

ITD-2109 Right-of-Way Encroachment Application and Permit Approaches or Public Streets

ITD-2110 Right-of-Way Encroachment Application and Permit – Utilities

ITD-2111 Right-of-Way Encroachment Application and Permit for Other Encroachments

DH-776 Notice of Encroachment Not Approved

Appendix C:

Auxiliary Lane Figures

[ITD Traffic Manual Section 202 – Typical Markings \(Auxiliary Lane Figures\)](#).